The Planning Inspectorate

Appeal Decision

Site visit made on 22 May 2017

by Alexander Walker MPlan MRTPI

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

Decision date: 13th June 2017

Appeal Ref: APP/C1625/W/17/3169965
Land at Jews Orchard, Whittles Lane, Frampton on Severn GL2 7EB

- 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 Mrs Lorraine Beasley against the decision of Stroud District Council.
- The application Ref S.16/1787/FUL, dated 9 August 2016, was refused by notice dated 5 October 2016.
- The development proposed is the erection of a new single storey dwelling.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. In their Decision Notice the Council refer to Policy ES3 of the Stroud District Local Plan (SDLP) 2015. However, the Council confirm in their Statement of Case that this was referred to in error and does not relate to the proposal. I have determined the appeal on this basis.

Main Issues

3. The main issues are as follows:

    - the effect of the development on the character and appearance of the area and the Frampton Conservation Area;
    - whether or not the proposal would provide a suitable site for housing, having particular regard to its location within Flood Zone 3; and,
    - whether it would provide adequate living conditions for future residents, with regard to outdoor garden space.

Reasons

Character and Appearance

4. The appeal site comprises an access track, which leads to a field to the west. The site is very long and narrow and is accessed directly off Whittles Lane, which leads off The Street. Whittles Lane is residential in character and comprises a variety of properties. Traditional cottages on the Lane are two-storey in height whereas the more recent developments towards the end of the Lane, nearest to the appeal site, are single-storey. Whilst there is no

uniformity in terms of building design, properties generally have wide frontages that engage with the streetscene.

5. The access track falls within the settlement development limits of the Second Tier settlement of Frampton-on-Severn, as defined in Policy CP3 of the SDLP. The site is on the edge of the settlement boundary. To the east and south are dwellings that are also within the settlement boundary. To the north and west are open fields. Development within the village generally lines either side of The Street, the main road through the village. Whittles Lane is one of the few roads within the village that spurs off The Street. The site's positon at the end of the Lane and the neighbouring surrounding fields provides a rural character to the site.

6. Policy HC1 of the SDLP sets out a number of criteria that developments in defined settlements must meet. Criterion 3 relates to edge of settlement sites, such as the appeal site, and seeks to ensure that development on such sites '*does not appear as an intrusion into the countryside and would retain a sense of transition between the open countryside and the existing settlement's core'*. In addition, Criterion 4 seeks to ensure that development would not cause the loss of, or damage to, any open space which is important to the character of the settlement.

7. The site is generally undeveloped, and lies adjacent to open fields. Whilst the site has solid timber gates and fencing on its frontage with the Lane, its purpose in providing access to the neighbouring field to the rear and its generally undeveloped condition and openness results in it being read as a transitional site between the built form of the settlement and the surrounding open countryside. Although views of the field to the rear are limited due to the fence and gates, at times when the gates are open, the openness of the site allows views of the field and surrounding trees and hedges. The introduction of a dwelling on this open space would erode this transitional role, diminishing the link between the countryside and the built form. Furthermore, it would extend the existing built form of the settlement further west. Consequently, it would represent an unacceptable intrusion into the countryside, contrary to Policy HC1.

8. The proposed dwelling has clearly been informed by the narrow width and significant depth of the site. As a result, the dwelling would have a very narrow elevation, approximately 4m wide, which would front onto the Lane. Furthermore, its depth would be considerably long. The entrance to the property would be on the north elevation, effectively screened from view from the Lane due to the narrow width of the site. As a result, whilst addressing the constraints of the site, the dwelling would be very long and accommodate a significant amount of the overall site, which would be disproportionate with the neighbouring dwellings and would appear excessively cramped. This would be exacerbated by the very narrow frontage with the Lane, which would also appear incongruous in the streetscene. Overall, it would represent an overdeveloped form of development that would appear incongruous in the streetscene and would fail to accord with the prevailing pattern of development in the vicinity.

9. In addition, the appeal site is located within the Frampton Conservation Area (the CA). Section 71(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of

preserving or enhancing the character or appearance of a Conservation Area. Whilst the Council's Decision Notice does not refer to the CA, it is mentioned in the Officer's report. The CA is characterised by linear development lining its roads, interspersed by open spaces which create a transition between the built form and surrounding open countryside, which help create a rural setting. For the reasons given above, the proposal would erode the openness of the site, creating a tighter form of development that would diminish the positive contribution the site makes to the significance of the CA.

10. Paragraph 134 of the National Planning Policy Framework (the 'Framework') confirms that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimal viable use. The harm to the significance of the CA would be less then substantial. Whilst the proposal would increase the choice of housing in the area and would make a positive contribution towards the economy, I do not find that these benefits would outweigh this harm.

11. I find therefore that the dwelling would significantly harm the character and appearance of the area and would fail to preserve or enhance the character or appearance of the CA. Therefore it would fail to accord with Policy HC1 of the SDLP.

Flooding

12. The Council's Decision Notice does not refer to flooding. Nevertheless, the site is within Flood Zone 3. Table 2 of the National Planning Practice Guidance (PPG) clearly identifies 'buildings used for dwelling houses' as 'more vulnerable' development. Paragraph 101 of the Framework requires the application of a Sequential Test in decision taking in order to steer new development to areas with the lowest probability of flooding. In particular it states that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. Paragraph 102 goes on to say that if, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. A more vulnerable use such as a dwelling should only be permitted in Flood Zone 3 if the Exception Test is passed. To pass the Exception Test it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk and a site specific flood risk assessment demonstrates that the development will be safe for its lifetime taking account of the vulnerability of its users.

13. It is for local planning authorities, taking advice from the Environment Agency as appropriate, to consider the extent to which Sequential Test considerations have been satisfied, taking into account the particular circumstances in any given case. The developer should justify with evidence to the local planning authority what area of search has been used when making the application. Ultimately the local planning authority needs to be satisfied in all cases that the proposed development would be safe and not lead to increased flood risk elsewhere[1].

[1] Planning Practice Guidance, Paragraph: 034 Reference ID: 7-034-20140306

14. There is no evidence before me that a Sequential Test has been undertaken. Therefore, there is insufficient evidence before me to demonstrate that there are no alternative sites at lower risk of flooding.

15. I note that the Council has suggested that the evidence required for a Sequential Test could be submitted through a pre-commencement condition. However, as such information is required in order to determine whether or not the site is suitable for residential development, the imposition of such a condition would be unreasonable and therefore fail the tests set out in paragraph 206 of the Framework.

16. I find therefore that it has not been satisfactorily demonstrated that the dwelling would not represent an unacceptable risk to flooding. As such, it would fail to accord with the Framework's aim of directing development away from areas of highest flood risk.

Living Conditions for Future Occupants

17. Due to the dwelling occupying much of the appeal site, there would be limited usable private amenity space for its occupants. There would be a patio area adjoining the west elevation of the dwelling.

18. Policy HC1, criterion 7 of the SDLP states that dwellings should provide an appropriate area of amenity space for the occupiers of each dwelling house. The supporting text to Policy HC1 states that broad design guidelines can be sourced from, amongst other things, the Residential Design Guide. The Stroud District Council Residential Design Guide Supplementary Planning Guidance (SPG) 2000, states that dwellings should have at least 20 sqm of private space. The proposed patio area alone would provide in excess of this space. Whilst the space may well be small in comparison to the overall site, it would be adjacent to an open field and therefore would be sufficiently open. In addition, given its westerly orientation it would enjoy a sufficient amount of sunlight, particularly in the evenings. As a result, I find no reason why it would not provide suitable, usable private amenity space for the occupants of the dwelling.

19. I find therefore that the dwelling would provide adequate private amenity space for future occupants and therefore it would comply with Policy HC1 of the SDLP and the SPG.

Other Matters

20. I have had regard to the comments received regarding existing drainage on the site. However, there is no substantial evidence before me that the proposal would adversely affect this drainage.

Planning Balance

21. The Council confirm that they have a demonstrable five year supply of deliverable housing land. The appellant does not dispute this and there is no evidence before me that would draw me to a different conclusion. Accordingly, I do not find that paragraph 49 of the Framework is engaged. Furthermore, the policies I have referred to above are consistent with the objectives of the Framework and therefore I consider them to be up-to-date. As such, paragraph 14, bullet 4 of the Framework is also not engaged.

22. A key principle of the Framework is that it promotes the presumption in favour of sustainable development. Paragraph 7 of the Framework identifies three dimensions to sustainable development – economic, social and environmental.

23. Whilst the proposal would make a positive contribution to the local economy through supporting local services and facilities and the construction industry, such benefits would be limited. Furthermore, it would increase the availability and choice of housing in the village, which could help meet particular disabled persons living needs. However, given that the proposal is for a single dwelling I attribute limited weight to these economic and social benefits.

24. Whilst I have also found that the dwelling would provide adequate private amenity space, this is a neutral effect rather than a benefit as it is a requirement of new dwellings.

25. Nevertheless, I do not find that the economic and social benefits, individually or cumulatively, outweigh the environmental harm I have identified above in respect of the proposal's effect on the character and appearance of the area and flood risk, to which I attribute significant harm. Consequently, I find that the development would not represent sustainable development.

Conclusion

26. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

Alexander Walker

INSPECTOR