
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: 15th June 2017

Appeal Ref: APP/C1625/W/16/3158157
Windemere, Woodford, Berkeley GL13 9JN

- 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 and Mrs Ebbs against the decision of Stroud District Council.
 - The application Ref S.16/1171/FUL, dated 23 May 2016, was refused by notice dated 12 August 2016.
 - The development proposed is the construction of single detached dwelling, garage and associated landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Following the Council's refusal of the planning application, as of September 2016, the Council state that they can now demonstrate a five year supply of deliverable housing sites. The appellant has not disputed this and I find no reason to conclude otherwise. Accordingly, I have determined the appeal based on the Council having a five year supply of deliverable housing sites.

Main Issues

3. The main issue is whether the proposal accords with the Council's housing strategy.

Reasons

4. Policy CP1 of the Stroud District Local Plan (SDLP) 2015 reiterates the National Planning Policy Frameworks (the Framework) presumption in favour of sustainable development. Policies CP2 and CP3 of the SDLP state that at least 11,400 new homes will be accommodated within the period of 2006-2031 and will be focused towards strategic sites and the main settlements. Policy CP3 sets out a five tier hierarchy of settlements where growth will be directed, albeit restricted in some tiers more than others.
5. The appeal site forms part of the rear garden of Windemere. It is located within Woodford, which is predominantly residential and comprises a collection of dwellings located adjacent to the A38. The site is surrounded by dwellings on all four sides and is approximately 650m from the nearest settlement identified in Policy CP3 of the SDLP, which is Stone. Stone is a fourth tier settlement where facilities are minimal and there is a limited range of employment, services and facilities. The appeal site does not fall within any of

- the strategic sites or settlements set out in Policies CP2 and CP3. Therefore, in accordance with Policy CP3, the site is to be treated as open countryside.
6. Policy CP15 of the SDLP restricts development outside settlement development limits except where it complies with one or more six identified principles. There is no evidence before me that the proposal would comply with any of these principles.
 7. Paragraph 215 of the Framework states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. Paragraph 14 states that where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole or where specific policies in the Framework indicate development should be restricted.
 8. Based on the evidence before me, I am satisfied that the policies I have referred to above are consistent with the approach of the Framework in boosting the supply of housing and considering it in the context of a presumption in favour of sustainable development. I therefore attribute these policies considerable weight. The Council confirms that it has a demonstrable five year supply of deliverable housing sites. I find therefore that the relevant policies for the supply of housing are considered to be up-to-date and therefore paragraph 14, bullet 4 of the Framework is not engaged.
 9. The appellant argues that as the site is surrounded by existing residential development it is an infill plot and its development would not have any significant harm to the character and appearance of the area. However, I have not been presented with any development plan policies that would permit such infill development in the open countryside.
 10. As the proposal falls outside any of the settlements identified in Policy CP3 and fails to satisfy any of the principles set out in Policy CP15, the proposal would fail to accord with the Council's housing strategy, as embodied by Policies CP1, CP2, CP3 and CP15 of the SDLP.

Planning Balance

11. The appellant states that the site has good transport links nearby. I noted during my site visit that there is a regular bus service providing access to facilities, services, shops and employment in the larger settlements of Gloucester, Newton and Bristol. Furthermore, facilities in Stone such as a school, church, village hall, petrol station and small convenience shop could be accessed on foot along a pedestrian footway running alongside the A38 or by bicycle. Therefore, I attribute the accessibility of the site moderate weight in favour of the proposal.
12. Notwithstanding the sustainable location of the site, the SDLP clearly states new dwellings will be focused towards strategic sites and the main settlements. Whilst Policy CP2 of the SDLP sets out a housing target, this is cited as '*at least 11,400 additional homes*'. Therefore it is clearly a minimum target and does not place a cap on the number of new dwellings to be delivered. Any new dwellings within this target or above it would be subject to the same policy considerations, i.e. directed towards the settlements identified in policy CP2

and CP3, and in the case of sites outside these settlements, they must satisfy one or more of the principles set out in Policy CP15. Therefore, whilst the site is in a sustainable location in respect of access to services and facilities, it fails to accord with the overall housing strategy, to which I attribute significant weight. Consequently, it is not sustainable development.

Other Matters

13. I acknowledge that the site lies adjacent to a recent development of five dwellings, which at the time of my site visit were still under construction. The Council confirm that this neighbouring development was granted planning permission under a different local plan and at a time when they could not demonstrate a five year supply of deliverable housing land. As such, it was considered in a different planning policy context than the current proposal. Therefore, whilst I recognise that there are clearly similarities between the two developments in terms of their appearance, I cannot draw any direct comparison in terms of their policy context.
14. I also note that the local highway authority has no objections to the proposal. However, this is a neutral effect rather than a benefit as it is expected of all development.
15. I understand the apprehension of neighbouring residents regarding overlooking and loss of outlook. However, the dwelling would be sufficient distance from neighbouring properties to ensure that there would not be any significantly harmful effect in respect of these matters.

Conclusion

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

Alexander Walker

INSPECTOR