
Appeal Decision

Site visit made on 30 June 2017

by Gareth W Thomas BSc(Hons) MSc(Dist) PGDip MRTPI

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

Decision date: 14 July 2017

Appeal Ref: APP/G1630/W/17/3168588

Land opposite The Orchard and Lamorna, Dixton Road, Alstone, Tewkesbury GL20 8JD

- 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 M. Gore, D. Fisher and S. Fisher against the decision of Tewkesbury Borough Council.
 - The application Ref 16/00610/FUL, dated 25 May 2016, was refused by notice dated 2 August 2016.
 - The development proposed is for 2No. dwellings with garages, altered vehicular accesses, drives/turning, parking spaces and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are, firstly the effect of the proposed development on the character and appearance of the designated Special Landscape Area and the adjoining Area of Outstanding Natural Beauty (AONB) and secondly, whether the occupiers of the proposed dwellings would enjoy sustainable travel opportunities.

Procedural Matters and Policy Context

3. A Joint Core Strategy is currently being prepared covering the period 2011 to 2031 with further hearings sessions scheduled for the summer of 2017 following the publication of an Objectively Assessed Housing Need (OAN). The Council has sought to demonstrate that it has delivered on its five year housing supply requirement for the last three year monitoring periods. Whilst the appellant relies on previous announcements by the Council that it did not have a five years' housing supply, including a number of appeal decisions that pre-dated the current supply position, the appellants have not brought forward any new evidence that contradicts the Council's assessment of its position. They do however correctly refer to Government's intentions to significantly boost housing supply.
 4. My attention was drawn to the planning history of the site, which includes a number of proposals for housing development that have been refused by the
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Council, two of which were dismissed at appeal with the last proposal for three dwellings dismissed in 2016¹.

5. The Council, bolstered by the latest housing supply position seeks to re-introduce policy HOU4 of Tewkesbury Borough Local Plan, a time limited plan. On the basis that this policy in so far as it relates to development in the open countryside is relatively consistent with paragraph 55 of the National Planning Policy Framework (the Framework). I deal with this issue later under other matters.

Reasons

Character and appearance

6. The Inspector in the 2016 appeal opined that the design of the proposed houses, three in number at that time, would not be out of keeping with the design of buildings found in this village. Although the details of that scheme are not before me, there does not appear to be any dissent on the part of the Council that the current scheme in purely design terms would be acceptable. I would agree with that assessment.
7. In relation to the effects of the 2016 proposal upon the designated Special Landscape Area (SLA), which is also adjacent to the AONB, the Inspector concluded that the development comprising three dwellings would be clearly visible from a number of vantage points, including many from within the AONB. Furthermore, he considered that the development would clearly extend the existing village boundary to the east and compromise views from Dixon Road, the wider SLA and the adjacent AONB.
8. In finding that the proposal would be likely to result in substantial harm to the character and appearance of the surrounding area, I am not aware that the Inspector had before him any extensive objective landscape assessment. Saved TLP Policy LND2 requires proposals to demonstrate that they do not affect the quality of the natural and built environment, its visual attractiveness, wildlife and ecology, or detract from the quiet enjoyment of the countryside. Moreover, in the assessment of proposals for development, the policy requires that special attention be accorded to the protection and enhancement of the landscape character of the special area which are of local significance. This policy accords with one of the core principles of the National Planning Policy Framework (the Framework) to recognise the intrinsic character and beauty of the countryside.
9. The Gloucestershire Landscape Character Assessment (January 2006) (GLCA) identifies the site as being within the Unwooded Vale Character type. The key characteristics of this Character type include an irregularly, sometimes broadly undulating landscape that becomes more gentle in places with medium to large scale hedged fields with a combination of regular and irregular field pattern with contrasting arable and pastoral fields and sparse woodland areas. The Character type is further sub-divided into VE1A Teddington and Greet Vale Landscape Character Area (LCA) characterised by smaller scale, regular enclosure on the edge of settlements with low, regularly trimmed hedgerows and numerous over-grown hedges appearing as tree lines in the landscape.

¹ APP/G1630/W/15/3133840

10. I have had regard to the general conclusions of the appellants' Landscape and Visual Appraisal (LVA), which states that the magnitude of change on landscape character arising from the two dwellings would be medium-high due to the nationally and locally valued views experienced by receptors and the high susceptibility of several visual receptors to change due to the number of outdoor recreation routes within the vicinity. However the LVA concludes that the site is not identified as visible from within the most highly valued views and is widely obscured by vegetation and the built form of the village when experienced from the AONB. What views that are available to receptors are experienced by motorists travelling on Dixon Road but that these are either filtered or glimpsed. The magnitude of change that will be experienced is considered to be low/medium with limited visual effect to receptors.
11. With regards to visual effects, the LVA concludes that the development could be integrated without significant harm to the character and appearance of the area provided appropriate landscaping, including the provision of features such as native hedgerows, hedgerow trees and an orchard structure along the road frontage with the aim to soften views rather than obscuring views from vantage points.
12. The Council indicates that the site opens out to views when approaching the village from the south and that the character is one of an open field and visually very distinct from the village itself whilst the open fields when viewed from the east provide an attractive open landscape with long distance views of the Cotswold escarpment. The Council points out that the AONB Management Plan 2013-2018 emphasises that the surroundings to the AONB are also important to this designated landscape and scenic beauty. Moreover, the Council also points out that the SLA is also a valued landscape in its own right and draws attention to an appeal at Toddington² where the Inspector acknowledged the role that the site played in providing the foreground setting to the AONB.
13. At my site visit, I viewed the site from the middle distance viewpoints 4, 10/11 and 8/9. From these vantage points, the wider landscape is open and undulating offering long distance views over arable and pastoral fields containing hedgerows and hedgerow trees. This contrasts with the smaller and more enclosed parcels of land behind the built up area of the village. However, the appeal site forms part of two much larger agricultural fields and whilst the existing hedgerow to the south provides some screening, this does not provide any significant degree of containment when viewed from the approach road leading from the village or when approaching from the south. From middle and long viewpoints, there would be glimpsed views of the site, which would not be read in context with the existing village but very much as an incursion into the two large open agricultural fields.
14. The linear form of the two houses would appear out of context and would fail to respect the grain of development of this village. Despite the relatively low form of the two houses, they would represent a jarring and therefore incongruous development at this location. Although I agree with the appellants' submissions that existing landscape features would soften longer distance views of the site from visual receptors within the AONB, I do not accept that the softening of views from the SLA would occur. I am satisfied

² APP/G1630/W/15/3003302

that the site would be visible from a number of visual receptors and would represent an unacceptable incursion into a generally open landscape. It would compromise views from both Dixon Road and the wider SLA, which in turn would have a significantly harmful effect on the character and appearance of the area. I agree with the Inspector in the 2016 appeal that landscaping measures would not be sufficient to mitigate the negative impact that would arise from a slightly reduced development at this site.

15. Accordingly, I am also satisfied that the proposed development would result in substantial harm to the character and appearance of the surrounding area, which would be contrary to saved TLP Policy LND2 which seeks to preserve and enhance the character of the SLA.

Travel

16. The previous Inspector in 2016 opined that the location of the appeal site with its limited public transport links, limited provision for pedestrians and cyclist access and lack of transport choice for potential occupiers meant that the development for three houses would be contrary to saved TLP Policy TPT1. This policy requires the availability of an appropriate level of public transport and the provision of safe and convenient access to the development by both pedestrians and cyclists. Despite the appellants' contention, I would agree with the previous Inspector that this policy accords with the emphasis in the Framework on promoting sustainable transport that gives people real choice about how they travel.
17. The appellants draw attention to two appeal decisions³ for housing developments in Alderton and Stoke Orchard where the Inspectors recognised that opportunities to maximise sustainable transport will vary from urban to rural areas and that it is not uncommon for villages in the countryside to be poorly served by public transport. The details of these cases are not before me; however, it is understood that the nature of Alderton is somewhat different to Alstone in terms of the size of the settlement, the number of key services and facilities available and the status afforded to the settlement in terms of emerging planning policy. All three appeals involved developments for considerably more development than the current appeal at a time when the Council could not demonstrate a five year housing supply. Consequently, these appeal decisions are not directly comparable.
18. Whilst recognising the desire of the appellants to create two self-build homes incorporating solar powered electric hook up points which would mean that likely occupiers would be fully aware of the prevailing conditions in relation to the availability of public transport facilities in the village, the evidence demonstrates that the village is not well served by public transport whilst cycling and walking to other settlements is not particularly realistic given the nature of the narrow, winding and unlit rural lanes in the area. Accessing even the most basic of day-to-day services and facilities by public transport, cycle or by foot would prove difficult and result in an over-reliance of cars as the main mode of transport.
19. Having regard to the evidence that is before me, I do not believe that it is of sufficient weight to depart from the conclusions reached by the previous

³ APP/G1630/W/14/3001584 and APP/G1630/A/13/2209001 (Alderton); APP/G1630/A/14/2223858 (Stoke Orchard)

Inspector at the appeal site. I also regard the location of the site with its limited transport links, limited provision for pedestrian and cyclist access and lack of transport choice for potential occupiers to weigh heavily against the development. Consequently, the proposal would be contrary to saved TLP Policy TPT1 and would not constitute sustainable development.

Other matters

20. As explained above, the Council has re-introduced Saved Tewksbury Local Plan (TLP) Policy HOU4, which also identifies that the site lies outside the settlement limits for Alstone. The Council has not explained whether settlement boundaries will form part of policies in the emerging Joint Core Strategy (JCS) but nevertheless suggests that Alstone will not be designated as a Service Village where additional housing growth may be permitted. In my assessment, the settlement boundary for this part of Alstone appears to recognise the pattern and grain of the built development in this part of the village and the open landscape at this point. However, it seems unlikely that settlement boundaries for settlements such as Alstone will feature in the JCS. I therefore conclude that the fact that houses would fall just outside the existing settlement boundary for Alstone is not so significant that planning permission should be withheld for that reason alone. However any flexibility in terms of location is outweighed in this instance by the harms that I have identified above.
21. I recognise the appellants' personal circumstances and their desire to remain in the local community and benefit from self-build plots. However, from the Council's evidence it is apparent that there are housing opportunities within recognised Service Villages within a relatively short distance of the appeal site. As the Inspector found at Great Dunmow⁴, self-build housing can promote affordability within the housing sector, which is in line with The Government's White Paper – 'Fixing Our Broken Housing Market'. However, The Inspector at that appeal believed that the lack of a five year supply of deliverable housing coupled by the opportunity for a custom/self-build house carried with it substantial and significant weight. There are strong reasons in addition to the Council's five year housing supply position to justify the withholding of permission in the current appeal. The inclusion of sustainable building technologies in the design of the proposal similarly cannot override the significant harm that I have identified in relation to landscape impact and lack of sustainable travel opportunities.

Conclusion

22. For the reasons stated above and having regard to all other matters raised, I conclude that this appeal should be dismissed.

Gareth W Thomas

INSPECTOR

⁴ APP/C1570/A/14/2223280