
Appeal Decision

Site visit made on 24 October 2017

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

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

Decision date: 15 November 2017

Appeal Ref: APP/F1610/W/17/3179661
Land off Whiteway View, Stratton GL7 2HN

- 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 Mr Risby of W Risby Limited against the decision of Cotswold District Council.
 - The application Ref 16/03402/OUT, dated 17 August 2016, was refused by notice dated 2 May 2017.
 - The development proposed is outline application for the erection of 7 dwellings including access and layout (all other matters reserved).
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Risby of W Risby Limited against Cotswold District Council. This application is the subject of a separate Decision.

Procedural Matter

3. The application was submitted in outline, with the matters of access and layout for consideration. The matters of appearance, scale and landscaping are reserved for future consideration. The submissions nevertheless show indicatively proposed new planting and the layout drawings set out the proposed number of bedrooms and floor areas of the dwellings. I have determined the appeal on that basis.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

Main issue

5. The site lies immediately outside of the settlement boundary of the village of Stratton, within the North Cirencester Special Landscape Area (SLA), and comprises two distinctly different elements, both of which are bordered to the east by the River Churn. The northern element comprises partly open overgrown land containing and surrounded by a significant number of trees on all sides. There is a low stone wall with adjacent trees on the southern side of that area which currently provides a distinct dividing line from the more open

pasture land element to the south. That southern area is bordered to the east by the tree lined river, and is characteristic of the wider landscape to the south where pasture land borders the river on both sides. There is existing residential development to the west and north of the site with a well-defined settlement edge between it and the countryside to the east and south.

6. Although immediately adjacent to the existing settlement edge and with a fairly short distance between that edge and the river, the southern parcel of land is nevertheless clearly seen from the public footpath approaching and running through the site from the south as part of the distinctive and pleasant pasture land to the south of the village. A number of the trees in the northern part of the site have been identified as being unremarkable of limited merit or unsuitable for retention. However, they nevertheless collectively provide a distinctive verdant buffer between the settlement and open countryside both to the east and south of the site.
7. The site as a whole therefore makes an important contribution to the distinctive openness and verdant nature of SLA and to the open rural setting of the village. For these reasons, contrary to the conclusions of the submitted Landscape and Visual Appraisal (the LVA) and subsequent Landscape Statement (the LS), I find that the perceived edge of the settlement is not defined by the vegetated watercourse of the River Churn.
8. The proposed development would materially expand the existing settlement on its south-east corner. It would remove that existing pleasant and distinctive pasture land element of the site, taking development close to the river with only a narrow and significantly less open strip of undeveloped land in between. It is proposed to retain some open space on the western side of the site. However, this too would be relatively narrow and would in any case be segregated from the river by the proposed access road and new properties.
9. The proposal would also leave limited scope for new planting on the southern site boundary that would be sufficient to provide a beneficial degree of screening and softening. This would be partly due to the close proximity of the dwelling at plot 7 to that boundary whereby a dense and high screen would be likely to materially detract from the outlook from and light to that property. With the positioning of two dwellings close to the southern site boundary, further south than existing dwellings immediately to the west, the proposed development would therefore be clearly seen as an intensification and encroachment upon that open pasture setting to the village leading to the river. Furthermore, the dwellings in the northern part of the site would materially encroach into the existing verdant buffer provided by that area of land, and noticeably closer to the river than those existing dwellings to the west of the site.
10. Additionally, the existing trees in and around the site and following the river are generally and characteristically of a mixed deciduous nature and so it is likely that any new planting would follow suit. As such, both on that southern boundary and where planting is proposed to be supplemented along the eastern side of the site, it is likely that the proposed houses would be clearly seen through the trees to varying degrees with the leaves off in the winter months. Any new planting would also take time to reach maturity and achieve its maximum screening potential.

11. It is therefore likely that the proposed development would be clearly seen, albeit to varying degrees, from vantage points to the south, including on the approach to the site from the public footpath and from the footway alongside the A417 to the south-west. Furthermore, from those public vantage points to the east of the site, including the public footpath approach to the site and Monarch's way further to the east over or through hedgerow alongside it, the proposed dwellings would be likely to be glimpsed to varying degrees through the intervening trees particularly in the winter months with the leaves off. The development would therefore be seen to materially erode the important and pleasant existing verdant and soft edge to the village and noticeably encroach into the open rural river valley and SLA, and as such would be a jarring feature of the landscape.
12. The management of existing retained trees and introduction of new planting around the site, including replacement of those considered unsuitable for retention and removal of a short row of uncharacteristic Leylandii trees from the western part of the site, would in itself be likely to have some visual benefit for the area. However, that would not extend to providing a more defined edge to the settlement which, as I have previously found, is already well defined by the northern and western site boundaries. I therefore afford little weight to any such benefit in the context of the likely visual effect of the proposal as a whole.
13. For the above reasons, and whilst taking account of the LVA and LS, the proposed development would cause unacceptable harm to the character and appearance of the surrounding area. As such, it would be contrary to policies 8, 42 and 45 of the Cotswold District Local Plan (the Local Plan) which together, in respect of this issue, require that development does not unacceptably harm the landscape character or appearance of SLAs, respects the character, appearance and local distinctiveness of Cotswold District with regard to, amongst other things, setting, and incorporates high standards of appropriate landscaping. It would also be contrary to paragraph 109 of the National Planning Policy Framework (the Framework) which states that planning should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes.

Planning balance

14. The Framework sets out that there should be a presumption in favour of sustainable development and indicates that to achieve that, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
15. Having regard to paragraph 47 of the Framework, the proposal would have the benefit of contributing towards boosting the supply of housing, and in a sustainable location in terms of access to services and facilities for day to day living. However, the weight I afford to that is not as high as it would be if the Council were not able to demonstrate a five-year supply of deliverable housing sites. There would also be benefits associated with additional tax to the Council, support of local services and businesses by future occupiers through spending and patronage, and economic benefits during construction works including through the use of services and the provision of building materials. All of these benefits would, however, be likely to be fairly small, relating to a development of only seven dwellings.

16. Therefore, having regard to paragraph 14 of the Framework, and in light of the submissions relating to policy 19 of the Local Plan being out-of-date, the unacceptable harm that would be caused to the character and appearance of the surrounding area would significantly and demonstrably outweigh those benefits referred to above, when assessed against the policies in the Framework taken as a whole. It would therefore not be a sustainable form of development.

Conclusion

17. For the above reasons, and taking account of all other matters raised, I conclude that the appeal should be dismissed.

Andrew Dawe

INSPECTOR