
Appeal Decision

Site visit made on 20 March 2018

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

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

Decision date: Friday 13th April 2018.

Appeal Ref: APP/G1630/W/17/3180263

**Land adjoining The Timberyard, Two Mile Lane, Highnam, Gloucester
GL2 8DW**

- 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 & Mrs D Kent against the decision of Tewkesbury Borough Council.
 - The application Ref 16/01155/OUT, dated 7 October 2016, was refused by notice dated 18 January 2017.
 - The development proposed is an outline planning application for the erection of a single dwelling and associated access.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr & Mrs D Kent against Tewkesbury Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. The application is in outline with all matters other than access reserved for future consideration. Drawings showing an indicative site layout and position of a proposed access road were submitted with the application. I have had regard to these in the determination of this appeal.
4. The Council's Decision Notice refers to policies contained within the Tewkesbury Borough Local Plan (Local Plan). Subsequent to the Council's refusal of planning permission, the Cheltenham, Gloucester and Tewkesbury Joint Core Strategy (JCS) was adopted on 11 December 2017 and became part of the development plan. The JCS supersedes the majority of the policies contained in the Local Plan, including policies TPT1 and LND4 which were referred to in the Decision Notice. Both main parties have agreed a Statement of Common Ground which sets out the current relevant development plan policies as contained within the JCS. I have therefore determined the appeal on the basis of the policies contained within the current development plan.

Main Issues

5. The main issues are:

- Whether the proposed development would be appropriately located, having regard to the Council's spatial strategy for new housing in relation to development within built-up areas and access to services and facilities.
- The effect of the proposed development on the character and appearance of the surrounding area.

Reasons

Whether or not the proposed development would be appropriately located

6. Two Mile Lane is a relatively narrow road with no pedestrian pavements. Development along this part of the road comprises of sporadic residential dwellings formed in a ribbon development pattern and predominantly located along the western side of the road with a small business centre located to the north close to the junction with the B4215.
7. The appeal site comprises part of a relatively large agricultural field with open countryside to the west and adjoins a recently constructed property to the north. To the south, beyond the remainder of the field and an agricultural track, are two dwellings. In my view, the field forms a significant gap between the sporadic developments of this part of Two Mile Lane and makes an important contribution to the semi-rural character of this road.
8. The Council's approach to the consideration of the distribution of new residential development is set out in Policies SP2 and SD10 of the JCS. Policy SP2 identifies that the Borough's housing need will be met predominantly through development at Tewksbury Town and at Rural Service Centres and Service Villages. The policy identifies Highnam as being a Service Village that will accommodate lower levels of development which will be allocated through the emerging Tewkesbury Borough Plan. Policy SD10 also supports residential development where it comprises infilling in built-up areas.
9. The Council's original reasons for refusal referred to the location of the appeal site outside any defined residential development boundary and lying within the countryside. This aspect has been superseded by policies in the JCS. However, Two Mile Lane does not visually form part of the main village of Highnam. It is physically separated by intervening agricultural land and is distinct in not comprising part of the recognisably denser developed and built-up area of the designated service village and the range of facilities located there.
10. I accept that the JCS does not define what is meant by a 'built-up area'. However, in my view, there is a visual distinct difference between the sporadic and ribbon development character of Two Mile Road and that of the main part of the village to the north-east of the B4215. This was formerly defined by the settlement boundary in the Local Plan and comprises a significantly denser form of development where the range of facilities are located which can be distinguished from the character of Two Mile Lane with a much less dense, ribbon pattern of development with intermittent gaps in the frontage along the road. Consequently, I do not consider that the appeal site can reasonably be

considered as being located within the built-up area of Highnam within the context of Policy SD10.

11. The supporting text to Policy SD10 explains that infill development means the development of an under-developed plot well related to existing built development. The appeal site comprises part of an agricultural field that was in agricultural use at the time of my site visit. The field forms a considerable visual gap between residential properties with views of the wider countryside beyond. The appeal proposal would occupy a small part of the northern side of the field and a considerable gap would remain between the appeal site and the nearest residential properties to the south comprising Ground House and The Old Bakery.
12. Although the appeal site is located adjacent to Timberyard Cottage, given the physical size of the gap that would exist to the nearest dwellings to the south and the continuing agricultural use of the land comprising that gap, it cannot reasonably be considered as being related well to existing development. Although the proposal would result in the continuation of ribbon development along the road it would essentially result in the protrusion of development into an important visual gap that would have little relationship with the existing development to the south. Moreover, I am not persuaded that the appeal site can be considered as an under-developed plot. It is essentially part of an agricultural field, in agricultural use and located outside of the built-up area.
13. Taking the above factors into account, the proposal would not constitute infill development in a built up area. The proposed development would therefore conflict with the provisions of Policies SP2 and SD10 of the JCS.
14. I have taken into account the extent to which the JCS is reliant on the emerging Tewkesbury Borough Plan. Although the JCS sets out an overarching development strategy for the distribution of new housing, future allocations are to be considered in the emerging plan. However, for the purposes of the planning considerations relevant to the appeal proposal, I accept the Council's view that Policies SP2 and SD10 set out how proposals of the nature in this appeal should be judged. It appears to me that these policies are consistent with the overarching sustainability aims of the Framework by considering where new development should, and should not, be located.
15. Even if I were to consider that the absence of the lower level development plan document to meet the Borough's housing requirements would constitute the development being 'silent' to the extent that paragraph 14 of the Framework should apply, I am not persuaded that the site would be a sustainable location for new development.
16. Although the Framework takes some account of the transport shortcomings of rural areas, its focus is on maximising the use of sustainable transport solutions. It remains desirable, therefore, for new residential development to be located in appropriately served settlements. The narrow nature of Two Mile Lane and having no pedestrian footpaths and few street lights would likely mean that walking and cycling to access the facilities in the village centre to the north east of the B4215 would be an unattractive option. In addition, I have no evidence to suggest that the road is served by public transport.
17. The site is relatively remote from the more recognisably developed part of Highnam. It is evident that the proposal would place a high reliance on the use

of the car. Even though the proposal is for a single dwelling, I consider that the location of the appeal site and the corresponding need to travel by car would not accord with the environmental dimension of sustainability.

18. Whilst the occupants of the proposed dwelling would make use of the services and facilities in nearby settlements which would support their vitality, they would be doing so using unsustainable transport means. Moreover, as the proposal is for a single dwelling, I do not consider that it would contribute to the enhancement or maintenance of the vitality of nearby settlements to any significant degree. I have no evidence to suggest that Highnam currently lacks vitality or viability as a settlement to the extent that the proposed development would substantially contribute.
19. Taking these factors into account, I consider that the proposed development would be contrary to the locational strategy of the development plan and would not accord with the environmental dimension of sustainability. As such it would conflict with the overall objectives of Policy INF1 of the JCS and the Framework in seeking development to be balanced in favour of sustainable transport modes.

Character and appearance

20. The appeal site forms part of the rural landscape along the narrow road that is characterised by sporadic residential development interspersed by gaps that are predominantly in agricultural use and providing views of the open countryside beyond. As such, the road has a spacious and rural character. Open countryside extends to the west and east of Two Mile Lane which consists of open fields with weakly defined boundaries and fragmented hedgerows. Although the site is slightly elevated from the road, its open appearance and the significant gap that it forms between existing development makes an important contribution to the character of Two Mile Lane.
21. The proposal would create a protrusion of built development into the rural landscape. The current open appearance of the site would be lost with resultant urbanisation of this part of the field and the erosion of the gap between existing development to the north and south. The proposal would appear as a prominent spur of development extending into the rural landscape such that the appearance and rural character of the area in both views from the road and the wider countryside would be unacceptably changed and a more suburban character would prevail. As such, it would result in the urbanisation of this part of the road that would fail to conserve the open rural character of the landscape.
22. Whilst I note that the Council's Landscape Officer raised no objections to the proposed development, I concur with the overall views of the Council that the proposed development would fail to conserve the open rural character of the landscape and would cause significant harm to the character and appearance of the surrounding area. As such, the proposed development would be contrary to Policy SD6 of the JCS. This policy, amongst other things, requires that development should seek to protect local landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character and setting of a settlement or area.

Other matters

23. Both parties have drawn my attention to other planning and appeal decisions within the Borough for residential development that were determined prior to the adoption of, the JCS. Whilst these demonstrate a varied approach to the consideration of proposals for residential development, I do not have full details of the nature of the proposals or the circumstances and material considerations that were relevant to their determination. Moreover, they were not related to recent change in the planning policy framework following the adoption of the JCS. Consequently, I cannot be sure that these are wholly representative of the circumstances in this appeal. In any case, these have not led me to a different conclusion on the main issues of this appeal which I have determined on its own merits.
24. My attention has also been drawn to a recent appeal decision for residential development at Cleeve Hill (APP/G1630/W/17/3184561) that was determined following the adoption of the JCS. However, I have found that there are locational differences between the site in that appeal and those in the appeal before me. I have found that the site in the appeal before me does not lie within a built up area and does not constitute infilling. As such, the locational factors in that case are not wholly representative of the circumstance in this appeal.

Conclusion

25. The Framework, through paragraph 14, does provide for decisions to be made in the absence of an up to date development plan. That is not the case here. I also acknowledge that the Framework seeks to significantly boost the supply of housing land. However, paragraph 47 is clear that this should be achieved through a plan led system, in situations such as this, where the Council are able to demonstrate that they have a five year supply of deliverable housing land.
26. I recognise that there are benefits, both socially and economically, associated with the proposed development, notably its contribution to boost the supply of housing generally. Such benefits are by no means insignificant. However, there would be environmental harm caused to the character and appearance of the local area and the creation of new housing at an inappropriate location.
27. As the proposal would not constitute infilling within the existing built-up area it would not be in accordance with policies SP2 and SD10 of the development plan meaning that planning permission should not be granted unless material considerations indicate otherwise. In this case the social and economic benefits that I have identified do not outweigh the harm that would be caused to the character and appearance of the area and the creation of new housing in an inappropriate location. Accordingly, the material considerations do not indicate that planning permission should be granted.
28. For the above reasons, taking into account the development plan as a whole based on the evidence before me and all other matters raised, I conclude that the appeal should be dismissed.

Stephen Normington

INSPECTOR