



---

## Appeal Decision

Site visit made on 26 March 2019

**by JP Tudor Solicitor (non-practising)**

**an Inspector appointed by the Secretary of State**

**Decision date: 04 June 2019**

---

**Appeal Ref: APP/P1615/W/18/3218103**

**Land off Top Road, Upper Soudley, Cinderford, Gloucestershire GL14 2TY**

- 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 James Bevan against the decision of Forest of Dean District Council.
  - The application Ref P1446/17/OUT, dated 5 September 2017, was refused by notice dated 13 June 2018.
  - The development proposed is outline application for 20 dwelling units with up to 50% affordable homes. (All matters other than access and scale are reserved).
- 

### Decision

1. The appeal is dismissed

### Application for costs

2. An application for costs was made by Mr James Bevan against Forest of Dean District Council. This application is the subject of a separate Decision.

### Procedural Matters

3. The proposal is in outline. However, there is a dispute between the parties regarding which of the possible reserved matters (i.e. access, appearance, landscaping, layout and scale) were intended to be considered and which were to be reserved. The boxes ticked within section 3 of the planning application form indicate that approval is being sought for 'access' and 'appearance'. The description of development, within the same section of the form, refers to '*all matters reserved apart from access, appearance and siting*'. Therefore, it is consistent, albeit that the description also refers to 'siting', which is not a category of 'reserved matter' as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO).<sup>1</sup>
4. However, it is clear from subsequent correspondence between the Council and the appellant, in September 2017, that the Council raised a number of issues about the application and the matters to be considered or reserved.<sup>2</sup> In further correspondence between the parties, during April 2018, the appellant indicates that 'scale' is to be determined at this stage, with 'appearance' for future determination. The Council supplied an amended description of the development which referred to: '*Outline application for 20 dwelling units with up to 50% affordable homes (all matters other than access and scale are*

---

<sup>1</sup> Part 1, Preliminary, Interpretation, paragraph 2(1)

<sup>2</sup> AP2a and APP25 of Appellant's Grounds of Appeal Statement

*reserved*)', which the appellant's agents confirmed their agreement to.<sup>3</sup> It is not unusual for applications, including those in outline, to be revised or clarified during the course of the application process and prior to determination. It seems to me, therefore, that it was in order for the Council to determine the application on that agreed basis.

5. Whilst I note that the appellant holds that it was not intended that 'scale' should be considered at this stage, given the above, it is appropriate for me to determine the appeal on the same basis that it was considered by the Council. Therefore, I have taken the description of development in the banner heading above from the Council's decision notice. With regard to 'appearance', 'layout' and 'landscaping', I will treat the submitted plans as illustrative.
6. A revised version of the National Planning Policy Framework (the Framework) was also published on 24 July 2018, just after the application was determined. However, the parties have had the opportunity to take any relevant changes into account during the course of the appeal. The Framework was updated in February 2019 but, as the alterations were minor, there was no need to revert to the main parties further.
7. The Council advises that its Allocations Plan 2006 to 2026 (AP) was adopted on 28 June 2018, shortly after the application was determined, and now forms part of the development plan for the area. I am required to consider the application on the basis of the current development plan, along with any other material considerations.

## **Main Issues**

8. The main issues are:
  - the effect of the proposed development on the character and appearance of the area;
  - whether the proposed development would be in a suitable location, with particular regard to the housing strategy for the area, access to services and facilities and use of sustainable modes of transport;
  - whether the Council can demonstrate a 5-year supply of deliverable housing sites and has an up-to-date development plan.
  - whether sufficient information has been provided to demonstrate suitable provision for parking and turning within the site; and,
  - whether the proposal would make appropriate provision for affordable housing.

## **Reasons**

### *Character and appearance*

9. The appeal site comprises the lower part of an agricultural field which slopes down towards Top Road, the main highway running through Upper Soudley, a small, rural village nestled in a pleasant valley within the Forest of Dean. The site is opposite housing on the south side of the road and adjoins further dwellings to the east, including a modern development at Bevan Rise. The

---

<sup>3</sup> Appendix 11 of Council's Appeal Statement

appellant advises that the field has been used as pasture for sheep. It stands adjacent to another open field to the west, where horses were grazing at the time of my site visit.

10. As it is adjacent to the main road, and because of the slope of the land, the appeal site appears prominent in views from various points along the highway. They include looking west from the junction with Sutton Road and Lower Road, from the beer garden of the White Horse Inn and from Church Road to the east. The site can also be seen from other public vantage points in the surrounding area, including the trackway leading north into the forest, which separates the site from the field to the west. In addition, it is apparent in more distant but attractive views across the valley from Bradley Hill to the south east.
11. With the adjacent field, the site forms part of a visually appealing, green landscape, beyond the main built form of the village. It creates a sense of space and openness, which makes an important contribution to the rural character and appearance of the village, as the land rises towards a woodland backdrop. Siting 20 dwellings, with domestic gardens and an access road, within this green field site, would noticeably extend the built form of the village and fundamentally alter the local landscape to its detriment. I note that the Council's Sustainability Officer, the Campaign for the Protection of Rural England and a number of local residents express similar concerns and refer to the high landscape value of the area and its sensitivity to change.
12. The site is within the Soudley Brook Landscape Character Area (5d) and part of the 'Wooded Syncline and Settled Forest Margin' landscape, as defined in the Forest of Dean Landscape Character Assessment (LCA).<sup>4</sup> The LCA confirms that, as the forest is an almost continuous blanket across the area, clearings offer an important respite. With reference to the Soudley Brook Landscape Character Area, the LCA comments that: *'Clearings created for sheep pastures on the valley sides allow relatively long distance views up and down the valley and up the valley sides to woodlands occupying the skyline'*. It seems to me that the appeal site corresponds to that LCA characterisation, in being part of such an open, clear area on the side of the valley, which forms a transitional space between the built form of the village and the surrounding forestry.
13. Indeed, the appellant's Landscape Appraisal (LA)<sup>5</sup> also describes the site as part of an area of open pastureland, flanked to the north and west by forest. It refers to visual effects ranging from 'substantial adverse', 'moderate adverse' to 'neutral'. Negative effects would be experienced, variously, by walkers, equestrians, cyclists, drivers using the road network and occupants of some surrounding residential properties. The LA refers to a series of landscape measures to mitigate those adverse effects. Whilst landscaping is a reserved matter, I am not convinced that such measures would successfully mitigate the negative visual effects of the proposed development, which I consider to be significant, for the reasons already given.
14. Landscape mitigation measures, suggested within the LA or those shown on the illustrative site layout plan<sup>6</sup>, include the planting of trees to the north of the site and possible hedgerow or other planting within or along site boundaries.

---

<sup>4</sup> 2002

<sup>5</sup> Prepared by: Morgan Henshaw (1 August 2017: Issue 2)

<sup>6</sup> 617/02C

Such planting would, aside from the built form of the development, further diminish the predominantly open nature of the site and its immediate surrounds to the north and west, which currently make a positive contribution to the visual appreciation of the area.

15. In discussion of the Council's second reason for refusal, which relates to effects on the character and appearance of the area, the appellant refers to a range of comments from consultees. However, these largely relate to screenings in relation to the Conservation of Habitats and Species Regulations 2017. They concern effects on nationally or internationally designated sites, such as the Severn Estuary and the Wye Valley and Forest of Dean Bat Sites Special Area of Conservation. Therefore, they have limited direct relevance to concerns about the effects on the character and appearance of the village and the immediate area. I have already dealt with the submitted LA.
16. The above factors lead me to conclude that the proposed development would have a significant adverse effect on the character and appearance of the area. It follows that it would conflict with policies CSP.1 and CSP.4 of the Core Strategy 2006-2026 (CS)<sup>7</sup> and policies AP1 and AP4 of the AP. Together, they seek to ensure that new development takes account of important characteristics of the environment and integrates with the character of an area, by supporting a strong sense of place. The proposal would also be contrary to similar guidance within the Framework, including paragraphs 127.c) and 170.b), which indicate that development should be sympathetic to local character, including landscape setting, and acknowledge the intrinsic character and beauty of the countryside.
17. In reaching the above conclusion, I have taken into account that 'appearance' is a reserved matter, although the submitted plans give a reasonable indication of the likely nature of the development. The principal negative effects would, in any event, relate to situating 20 dwellings on this greenfield site. Those adverse effects would not be sufficiently mitigated by, for example, the design of particular dwellings or the use of materials that were in keeping with existing houses in the village.

#### *Suitability of location*

18. The CS advises that it will protect the environment by guiding the location of development and requiring high quality design. CS policy CSP.4 indicates that new development must contribute to reinforcing the existing settlement pattern, in a manner which emphasises the importance of towns, especially Lydney and Cinderford, where most change will take place. Policy CSP.4 also confirms that areas outside settlement boundaries will be treated as part of the open countryside. It says that most changes will be expected to take place within existing settlement boundaries.
19. The appeal site is located outside, albeit adjacent to, the defined settlement boundary for Upper Soudley. It is understood that settlement boundaries, including those for smaller settlements, were comprehensively reviewed in relation to the recent AP, with an emphasis on the character of the settlement, as confirmed by the examining Inspector.<sup>8</sup> Policies CSP.4 and CSP.5 both indicate that affordable housing for local persons may form an exception to the

---

<sup>7</sup> 23 February 2012

<sup>8</sup> Supplementary Appeal Statement by Nigel Gibbons (Forward Plan Manager FoDDC)

normally strict requirement that development should be within existing settlement boundaries.

20. Upper Soudley is classified as a 'small village' within a table setting out the CS settlement hierarchy.<sup>9</sup> That also indicates that small villages with some services may be suitable for '*small affordable housing developments*.' Whilst the proposed development would be part market housing and part affordable housing, it would offer 10 affordable homes. The Council suggests that the number of dwellings would be '*much larger than the 'small group'' ('no more than 4 dwellings') described in policy CSP.5'.*
21. However, the reference to groups of 'no more than 4 dwellings', within policy CSP.5, is referred to in relation to sites '*within or adjoining a settlement without a defined settlement boundary*.' Those settlements are at the bottom of the settlement hierarchy, below small villages. Therefore, that maximum does not apply to Upper Soudley, which is a settlement with a defined settlement boundary, where CSP.5 indicates that small groups and single affordable dwellings will be acceptable, where they are well related to the settlement concerned and take account of protected open spaces and other areas. Furthermore, that such sites will usually be within or immediately adjoining a settlement boundary.
22. The Council also says that the proposal is not a '*typical exception site*' because of the market housing element. However, paragraph 77 of the Framework indicates that local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs and consider whether allowing some market housing on these sites would help to facilitate this. A memorandum from a Council Housing Officer, dated 16 May 2018, states that 117 households on the housing register have indicated a preference for rented affordable housing in the parish of Soudley and Ruspidge, with 404 households indicating the same preference in the nearby Cinderford area. Those factors, including the possible exceptions for affordable housing detailed in the relevant CS policies, are in favour of the proposal.
23. The appellant refers to the Braintree judgements in the High Court and subsequently in the Court of Appeal.<sup>10</sup> As acknowledged by the appellant, those judgements focussed on the meaning of the word 'isolated' within the phrase '*isolated homes in the countryside*' used in paragraph 55 of the 2012 Framework, and now within paragraph 79 of the current Framework. The judgements found that the phrase connotes a dwelling that is physically separate or remote from a settlement. I agree that the appeal proposal would not create 'isolated homes in the countryside' in terms of paragraph 79, as they would be adjacent to and opposite existing dwelling on the edge of the village.
24. Paragraph 78 of the Framework indicates that in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Furthermore, that planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. The CS settlement hierarchy and policies CSP.4, CSP.5 and CSP.16 form part of the Council's spatial strategy, which seeks to guide development to suitable

---

<sup>9</sup> Paragraph 7.65

<sup>10</sup> Braintree District Council v SSCLG & Ors [2017] EWHC 2743 (Admin) & [2018] EWCA Civ 610

settlements and considers the suitability rural villages for growth. Therefore, it is compliant with the Framework's approach.

25. Factors weighing against the proposal include the following: 'Small villages' are defined in the settlement hierarchy as having some local services and facilities but generally very limited opportunity for additional development. The more recently adopted AP also indicates, with specific reference to Upper Soudley, that the village will see only limited change during the plan period.<sup>11</sup> Given that policy CSP.16 anticipated about 89 houses over the plan period to 2026 to be provided across 23 small villages, 20 dwellings in one such village would appear to be beyond the 'limited change' considered appropriate by the CS and AP and disproportionate.
26. Moreover, although CS policies indicate that affordable housing proposals may or can form exceptions to the normal expectation that development will be within settlement boundaries, that will still be dependent on a range of factors, such as the nature of the site, its relationship with the village<sup>12</sup> and whether services and accessibility are reasonable<sup>13</sup>
27. Importantly, CS policy CSP.5 also indicates that housing in keeping with the needs of the local community, including affordable housing, will be provided but that: *'Priority will be given to development on previously developed land and on sites identified for housing in the development plan. No new greenfield sites will be released unless it can be proven that land is not available from other sources and is needed to meet the plan's requirements.'*
28. The appeal site is not previously developed land and has not been identified for housing in the development plan. There is a lack of evidence to demonstrate that other sites within the district are not available to meet housing need (including affordable housing), especially given that the Council maintains that it can demonstrate a 5-year HLS, as a result of the recently adopted AP. Therefore, the proposal would conflict with that central aspect of CS policy CSP.5.
29. Whilst Upper Soudley has a public house, a church, a village hall and a primary school, overall it has limited services and facilities. For example, the nearest newsagent or convenience stores are at Littledean and Ruspidge which, according to the appellant, are 1.5 to 2 miles away. The timetables, supplied by the Council, indicate bus services between Blakeney and Gloucester operate on only one day a week, but that there is a more regular Monday to Saturday service connecting Lydney and Cinderford. There are several buses on that route, but they run at intervals of about every 2 hours during the daytime. The latest services are around 1800 hours with a more limited service on Saturdays and none on Sundays.
30. The Framework acknowledges that opportunities to maximise sustainable transport will vary between urban and rural areas.<sup>14</sup> However, whilst the bus services may be considered reasonable for a rural location and do provide an option for travel, like the Council and the highway authority, I consider that it is still likely that there would be significant reliance on the private motor car to access shops and a wider range of services, facilities and employment

---

<sup>11</sup> Chapter 47 P.305

<sup>12</sup> CPS.5

<sup>13</sup> Paragraph 7.74

<sup>14</sup> Paragraph 103



opportunities. Given that 20 dwellings are proposed, that is likely to generate a reasonably significant number of car journeys, which cumulatively contribute to negative environmental effects in relation to pollution, mitigating climate change and moving to a low carbon economy.

31. Moreover, if the purpose of a journey was to purchase, for example, weekly food shopping or other domestic items, it is more likely that journeys would be by car, where it is not necessary to carry several heavy bags far and it is easier to store and transport shopping. In addition, the nature of the surrounding highway network and the valley location, with sometimes narrow sections of road, gradients, limited pavements and lack of street lights or cycle paths, would be unlikely to encourage walking or cycling, the most sustainable forms of transport, to access services, facilities or employment.
32. The above factors support the classification of Upper Soudley as a small village in the CS settlement hierarchy, where only limited change, normally within settlement boundaries is anticipated. Overall, notwithstanding the affordable housing element, the proposal does not comply with the housing strategy for the area, the thrust of which is to direct most development to locations with good access to services, facilities and employment opportunities, whilst generally avoiding development in the open countryside.
33. Therefore, on balance, I conclude that the proposed development would not be in a suitable location, with particular regard to the housing strategy for the area, access to services and facilities and use of sustainable modes of transport. Consequently, it would be contrary to policies CSP.1, CSP.4, CSP.5 and CSP.16 of the CS and policy AP1 of the AP, which aim to safeguard the environment and ensure that most changes in towns and villages are within settlement boundaries. In addition, that development in the countryside or on new greenfield sites is avoided unless land is not available from other sources. Furthermore, that the level of accessible services should be considered, along with the availability of public transport and whether the development would be proportionate to the function of the settlement.

#### *Five-year housing land supply and the development plan*

34. The recently adopted AP underwent a process of public examination and, as it was found sound, the examining Inspector was satisfied that the Council could demonstrate a 5-year housing land supply (HLS). That finding would have been informed by a housing need assessment including in relation to the size, type and tenure of housing needed for different groups in the community, which would include affordable housing.
35. The Council has also drawn my attention to three appeal decisions<sup>15</sup>, following the adoption of the AP, which found that the AP and the CS are broadly consistent with the Framework and accepted the findings of the AP examining Inspector regarding the 5-year HLS position. Those decisions also followed the publication of the revised Framework in 2018, with the new definition of 'deliverable' within its Glossary.<sup>16</sup>
36. It is contended by the appellant that there is a serious shortage of affordable homes in the Forest of Dean district. The appellant also appears to rerun arguments put during the AP examination process, which would have been

---

<sup>15</sup> APP/P1615/W/18/3201413, APP/P1615/W/18/3207085 & APP/P1615/W/18/3197619

<sup>16</sup> Since subject minor alteration in the February 2019 edition of the Framework

considered by the Inspector. The appellants appeal statement refers to the Planning, Design and Access Statement (PDAS), a memorandum from a Council Housing Officer, dated 16 May 2018, along with newspaper articles, to support his case.<sup>17</sup>

37. The PDAS dates from August 2017 and refers, amongst other things, to submissions and hearings during the examination of the AP. Whilst the Housing Officer's memorandum refers to expressions of interest on the housing register for rented affordable housing in the area, it also pre-dates the adoption of the AP. As already established, the AP was found sound by the Inspector and adopted by the Council in June 2018. Therefore, the Inspector must have been satisfied that the 5-year HLS was sufficient in respect of identified housing needs, including affordable housing. The newspaper articles date from 2005 and 2006 and are, therefore, of limited relevance, as they pre-date both the CS and the AP by a number of years. Past delivery would have also been considered within the AP examination process.
38. The appellant also refers to objections made *'by a number of agents and planning consultants during and especially towards the end of the AP process'* regarding the OAN (Objectively Assessed Need) and evidence of deliverability. However, the Examining Inspector would have considered those representations before reaching a conclusion on the 'soundness' of the AP.
39. Various appeal decisions are cited by the appellant, including one relating to Land North of Lower Lane, Berry Hill.<sup>18</sup> However, as acknowledged by the appellant, that Secretary of State decision was issued on 11 April 2018, before the AP had been found sound and adopted. Therefore, whilst it refers to a shortage of affordable homes, such matters would have formed part of the examination of the AP. Therefore, it has limited relevance.
40. An allowed appeal concerning Land Adjacent to Berkeley Close<sup>19</sup> is, according to the appellant, relevant because significant weight was given to a 50% affordable housing element and because it was *'seemingly not far from an AONB'* (Area of Outstanding Natural Beauty). The appellant also cites a court judgement relating to land at Lymm<sup>20</sup> in relation to the significance of affordable housing.
41. However, in the appeal before me, the Council does not dispute that the 10 affordable homes would be of benefit and is of relevance in the planning balance. With regard to the appellant's reference to an AONB, in paragraph 8 of the appeal decision the Inspector states that: *'the appeal site and surrounding land does not have any special landscape or heritage designation.'* There is no reference to an AONB within the main issues or elsewhere in the decision. Moreover, that appeal was within Cotswold District Council area with a development plan adopted in 2006, which was given only moderate weight.
42. The appellant also refers me to paragraph 68 of an appeal decision, relating to Land on the East Side of Green Road<sup>21</sup> (Mid Suffolk District Council area), and paragraph 30 of an appeal decision, concerning Entech House<sup>22</sup> (Welwyn

---

<sup>17</sup> APP 13, APP 57 and APP FD1

<sup>18</sup> APP/P1615/W/15/3005408

<sup>19</sup> APP/F1610/W/17/3167827

<sup>20</sup> Rowlinson v Warrington Borough Council [2002] EWCA Civ 1762

<sup>21</sup> APP/W3520/W/18/3194926

<sup>22</sup> APP/C1950/W/17/3190821



Hatfield Borough Council area), as evidence that the demonstration of a 5-year HLS and subsequent delivery rests with the local planning authority.

43. However, in the first of those appeals, as the development plan components dated from 1998 and 2008, it was common ground that the Council's strategic policy for housing numbers was more than 5 years old and had not been reviewed. Moreover, the Inspector concluded that the Council could not demonstrate a 5-year HLS, which engaged the tilted balance in paragraph 11 of the Framework.<sup>23</sup>
44. In the second appeal, the relevant development plan dated from 2005 and it was accepted by the Council that there was no conflict with it.<sup>24</sup> Therefore, although there was an emerging plan, the application was determined on the basis of policies in the Framework. As it was concluded that there was no 5-year HLS, the 'tilted balance' in paragraph 11 of the Framework applied.
45. The contexts of those appeals are, therefore, materially different from the appeal before me, where there is a recently adopted AP, which confirmed a 5-year HLS, and is supported by the subsequent appeal decisions referred to in paragraph 35 above. The appellant seeks to distinguish those appeal decisions from the appeal before me on the basis of site-specific differences and differences in the main issues. However, their relevance relates to the Inspectors' findings that the AP and the CS were broadly consistent with the Framework and that there was no substantive evidence to suggest that the position had altered since the adoption of the AP, even taking into account the revised Framework. Therefore, those appeal decisions remain relevant and persuasive.
46. A Strategic Housing Land Availability Assessment (SHLAA) produced by the Council<sup>25</sup> is referred to by the appellant. However, the SHLAA process is intended to provide a future reserve of sites that can be considered for allocation to deliver dwellings in the next plan review. The appellant expresses concern elsewhere about past housing delivery. However, that would have been considered as part of the AP process.
47. Moreover, no substantive evidence has been presented to indicate that the Council has failed the Government's Housing Delivery Test (HDT), referred to in footnote 7 to paragraph 11.d) of the Framework, or that the revised definition of 'deliverable' within the Glossary to the Framework undermines the 5-year HLS established by the AP.
48. Overall therefore, whilst I note the appellant's various submissions there is no compelling evidence to indicate that the Council is unable to demonstrate a 5-year supply of deliverable housing sites or that the development plan is out-of-date. Consequently, the 'tilted balance' referred to within paragraph 11.d(ii) of the Framework does not apply.

#### *Parking and turning areas*

49. The Council refers to the illustrative layout, which does not show the type of turning head, within the internal access road, that the 'highway authority'<sup>26</sup> has

---

<sup>23</sup> Paragraphs 63, 73, 90 and 99

<sup>24</sup> Paragraphs 4, 34 and 39

<sup>25</sup> November 2018

<sup>26</sup> Gloucestershire County Council

indicated it would require. It also pointed out that 'access' includes access within the site. As 'scale' is not a reserved matter, the appellant would be committed to erecting buildings of the dimensions shown on the submitted plans. Therefore, although 'layout' is a reserved matter, the Council is concerned about whether a satisfactory layout, including the required turning head, could be achieved without affecting garden sizes. It also suggests that there could be negative effects on parking provision with consequent related impacts on highway safety.

50. However, the relevant 'highway authority', whilst providing advice regarding necessary components of an acceptable layout, was satisfied that the internal 'layout' could be dealt with at the reserved matters stage, subject to appropriate conditions. The appellant's highways consultant took the same view.<sup>27</sup> On balance, I am also satisfied that, given the size of the site, an acceptable layout would be achievable without entailing the adverse impacts envisaged by the Council.
51. Therefore, I conclude that sufficient information has been provided, given the outline nature of the proposal, to establish safe and suitable access to, and within, the site. Accordingly, there is no clear conflict with paragraphs 108 or 110 of the Framework. However, this finding is neutral in terms of the planning balance.

#### *Affordable housing*

52. At the time that the Council determined the application, no legal agreement was in place to secure the affordable housing element of the proposal. However, subsequently further discussions took place between the appellant and the Council regarding the 10 affordable units proposed. The parties have confirmed that a s.106 Agreement has been agreed, which provides a mix of affordable housing, including 1 bed flats and 2 and 3 bed houses, acceptable to the Council and reflecting relevant need across the district. The s106 Agreement has been completed and a copy provided. The provision of 10 affordable homes, which it secures, would be a benefit and is in favour of the proposal.

#### **Planning Balance and Conclusion**

53. Paragraph 12 of the Framework confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. It also says that where a planning application conflicts with an up-to-date development plan permission should not usually be granted. I have already found that there is no compelling evidence to suggest that the development plan is not up-to-date or that the Council cannot demonstrate a 5-year HLS.
54. The Framework indicates that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. Those economic, social and environmental objectives should be delivered through development plans and the application of policies in the Framework, but they are not criteria against which every decision can or should be judged.<sup>28</sup>

---

<sup>27</sup> G.D. Acton: Highway and Transportation Consultant: Appellant Highway and Movement Statement (2 December 2018)

<sup>28</sup> Paragraphs 8 and 9

55. Benefits derived from the proposed development would include the addition of 20 homes to the supply of housing, 10 of which would, significantly, be affordable homes. There would be economic benefits from short term employment opportunities and the purchase of building materials during the construction period. Future occupiers would also support existing local services and potentially participate in village life. I give these benefits moderate weight.
56. Against that, as the site is outside the settlement boundary, it is considered to be open countryside. Indeed, as it is an agricultural field, it has more affinity with the countryside than the built form of the village. Although CS policies include possible exceptions for affordable housing outside or adjacent to settlement boundaries, I am conscious that those boundaries, including for 'small villages', were rigorously reviewed during the recent AP process. The site was not allocated for housing in the AP and it has not been in previous reviews. Moreover, I have found that this sizeable development on a green field site at the edge of the village, but outside the settlement boundary, would cause significant harm to the character and appearance of the area.
57. Notwithstanding the bus service, there would still be likely reliance on the private motor car to access a more reasonable range of services, facilities and employment opportunities. The spatial strategy within the development plan is intended to direct most development to sustainable locations. Consequently, only limited change is anticipated in Upper Soudley, in part because of its location and relatively limited services. Therefore, I found that the proposed development would not be in a suitable location.
58. Overall, I consider that the significant adverse effects of the proposed development, particularly in relation to the character and appearance of the area, outweigh the moderate benefits. Moreover, I am not convinced that the benefits associated with the scheme could not be achieved through development at a more suitable location. Whilst the Council's 5-year HLS should not be treated as a cap on housing developments, proposals which do not fully comply with CS and AP policies would need to be clearly justified. Based on the evidence before me, there is no justification to depart from the development plan in this case.
59. AP policy AP.1 emphasises that proposals should be assessed in the context of sustainable development and that schemes that are not in accordance with the CS, the AP, the Framework and other national guidance will not normally be permitted. I have found conflict with the development plan and national policy and there are no other material considerations, relevant to the appeal, that would justify a different outcome.
60. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*JP Tudor*

INSPECTOR