
Appeal Decision

Site visit made on 16 July 2019

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 August 2019

Appeal Ref: APP/G1630/W/19/3228877

Newton Farm, Natton, Ashchurch, Tewkesbury, GL20 7BE

- 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 Mrs Ball against the decision of Tewkesbury Borough Council.
 - The application Ref 18/00749/FUL, dated 20 July 2018, was refused by notice dated 23 November 2018.
 - The development proposed is plant training centre at Newton Farm including erection of office/classroom building for training purposes.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The National Planning Policy Framework (Framework) states that the weight given to relevant policies in emerging plans should be according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the plan with the Framework. The Tewkesbury Borough Plan Preferred Options, Joint Core Strategy review (Issues and Options) and Tewkesbury Area Draft Concept Masterplan Report are at an early stage and therefore carry limited weight.
3. While the development appears to have commenced, the scheme has not been completed. I have therefore determined the development as a proposed scheme.

Main Issue

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

Reasons

5. The appeal site is adjacent to the existing business park to the north where there are currently various commercial and industrial uses. The site was not in agricultural use at the time of my visit and is not within a designated landscape. Nonetheless, there are views across the site and the surrounding area which can be appreciated from public vantage points. These views provide visual links to the wider countryside, and the site contributes to the rural setting and character of the locality with it being relatively inconspicuous. The

- proposal would extend the area occupied by buildings and plant machinery significantly further south than at present.
6. The proposed tower would be located immediately adjacent to, and largely screened by, the proposed building. Nonetheless, it would be considerably higher than the existing features at the appeal site that are largely screened by the roadside hedgerow. While I acknowledge the reasoning for the height of the tower and that it would not protrude significantly higher than the building, it would appear as an obviously industrial feature. Even where seen against the backcloth of the existing development, it would be at odds with the agricultural appearance of existing buildings at the wider site and the proposed building. While there is urban development to the north of Newton Farm this is some distance from the site and would not be seen with the appeal site in many views.
 7. Other than in relation to hours of operation, no conditions have been put to me regarding restricting the level and use of the excavation area. This area would be located at the more open southern part of the site. Moreover, although not an everyday occurrence at present, if the appeal were to be allowed there would be no control to prevent a far greater use of it in the future. This would be more harmful than the existing appearance of the site. In addition, the proposed bund would result in the excavation area appearing separate from the rest of the business park.
 8. Although development nearby may result in plant machinery being present in the landscape, this would be limited to the construction period. Moreover, this does not reduce the increased harm that would result from more frequent plant machinery at the appeal site.
 9. The appeal site would be seen with the existing development at Newton Farm from certain vantage points and is some distance from the nearest properties. Nevertheless, there would be views of the proposed development over and through the boundary vegetation, the access gate, nearby land and the railway line. Therefore, the appeal site would be prominent from several viewpoints. The development would be detrimental to the existing open countryside context of the site.
 10. Any planting would take time to mature and softened views of the site. In any event it would not be practical to screen the tower given its height. While I acknowledge landscape conditions can be appropriate in certain instances, they should not be used to try to hide development which is inherently unacceptable.
 11. I acknowledge the likelihood of development to the west where planning permission has been granted for a garden and retail outlet centre. Notwithstanding this, while works associated with the approved development would change the context of the site to the west, this would not be the case for the land to the south and the east of the appeal site. I cannot be sure that the proposal at Fiddington¹ would be granted permission or proceed. This would also be located on the other side of the road from the appeal site.
 12. Therefore, the proposal would cause unacceptable harm to the character and appearance of the area. It would be contrary to Policies SD1, SD4 and SD6 of

¹ APP/G1630/W/18/3210903

the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 – 2031 (JCS), insofar as these seek to ensure development is of an appropriate scale and character, protects landscape character and, responds positively to and respect the character of the site and its surroundings,

13. It would also fail to accord with the Framework where it recognises that it is important to ensure that development is sensitive to its surroundings, sympathetic to local character, including the surrounding landscape setting, and, the intrinsic character and beauty of the countryside.

Other Matters

14. Details of other similar uses located in rural/countryside locations have been presented to me. I do not have the full details of these developments, including what structures/works they included, the policy context or other considerations that led to them being deemed acceptable. Therefore, I cannot be sure they represent a direct comparison to the one before me. In any event, each appeal is assessed on its own merits.
15. I appreciate that the appellant has amended the scheme to seek to overcome the issues raised in previous applications and an appeal². However, while there have also been changes in relation to planning policy and development permitted in the area, I have found harm arising from the proposal before me to the character and appearance of the area.
16. I note the level of public comments. Nonetheless, a lack of opposition or support for a proposal in itself is not a ground for refusing or granting planning permission unless founded upon valid planning reasons.

Planning Balance

17. Factors such as the need for excavation works limit the potential locations where the development could be sited. The Council have not disputed that siting the proposal on an industrial park would be unsuitable. Nonetheless, this does not imply that the appeal site is acceptable. Furthermore, while I note reference to an extensive search for alternative sites, no details of other sites have been presented to me.
18. The development would allow the expansion of an existing business. The scheme would also help support the local economy, including through employment and associated spending. Moreover, I acknowledge that the use relates to a specialised field of employment training and details indicate a need for this type of service/training. Furthermore, elements of the training may lead to environmental benefits. These are all factors that weigh in favour of the scheme.
19. There is support for economic growth in the Framework. This includes the recognition that there are specific locational requirements of different sectors and that in rural areas business needs may have to be found adjacent to or beyond existing settlements. Notwithstanding this, and while I note comments regarding the reputation of the business and its staff, the scheme would run contrary to the environmental objective of sustainable development in the Framework. Policy SD1 of the JCS permits development in the countryside for

² APP/G1630/W/16/3145123

employment use where it is adjacent to a settlement or existing employment area. However, this is providing it is of an appropriate scale and character.

20. The Council have not included refusal reasons in relation to the accessibility of the site, parking or highway safety. Nonetheless, the absence of harm is a neutral factor. Furthermore, that another location may cause greater harm does not weigh in favour of the scheme and no specific alternative sites have been identified in this regard.

Conclusion

21. The scheme would align with certain elements of local and national policy. Notwithstanding this, there is a need to balance sometimes conflicting policy aspirations. I have found conflict with the adopted development plan and the Framework. In this instance, even if I were to consider the site to be previously developed land, based on the individual circumstances of this appeal, the benefits of the scheme would not outweigh the harm and policy conflict I have identified.
22. Therefore, for the above reason the appeal is dismissed.

Stuart Willis

INSPECTOR