



Appeal Decision

Site visit made on 5 August 2019

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2019

Appeal Ref: APP/C1625/W/19/3229480

Builder's yard, Woefulthane bottom, Minchinhampton, Gloucestershire GL6 9AS

- 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 Mr Decora against the decision of Stroud District Council.
 - The application Ref 18/2606/FUL, dated 3 December 2018, was refused by notice dated 28 January 2019.
 - The development proposed is the erection of 6 no dwellings together with associated ancillary development.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has submitted a Unilateral Agreement¹, to provide a sum of £1,200 towards environmental and ecological mitigation measures on Rodborough Common.
3. During my site visit I also saw the site from several rear gardens of neighbouring dwellings.
4. The Minchinhampton Neighbourhood Development Plan (NP) was made in May 2019. Parties have been given the opportunity to reflect on whether this is relevant to either case. I have taken into account the further representations received.

Main Issues

5. The main issues are:
 - whether the appeal site offers a suitable location for new housing development having regard to the Council's settlement strategy policies, and
 - the effect of the proposal on the character and appearance of the area with particular regard to the Cotswolds Area of Outstanding Natural Beauty (AONB).

¹ Unilateral Agreement 26 July 2019

Reasons

Settlement hierarchy

6. The site is close to the village of Minchinhampton, but beyond its settlement boundary. Policy CP3 of the Stroud District Local Plan (2015) (LP) establishes the Council's housing spatial strategy. The policy ranks settlements based on their size and range of services. This is to concentrate housing growth in settlements with a good range of services and restricting growth in those that do not. Minchinhampton is classed as a Local Services Centre (second tier) and as such has the potential to provide modest levels of new housing. The policy explains that development outside settlement boundaries and within very small settlements would be treated as being in the open countryside. Policy CP2 states that development will take place in accordance with the development hierarchy of the plan. It also states that some limited development would take place outside settlement limits, but only in order to meet specific requirements in other policies of the plan.
7. Policy CP15 of the LP, restricts development in the open countryside and only be permits development associated with farming and forestry; that supports the rural economy for employment, sport, leisure and tourism; would be a rural exception site; would support a heritage asset; be a replacement dwelling or be for essential community facilities. Furthermore, the Council can demonstrate it has an 8.5 year supply of housing land. As such, its housing related policies are up to date.
8. The site is not isolated, being close to the boundary of Minchinhampton and adjacent to a cluster of dwellings. Paragraphs 77-78 of the National Planning Policy Framework (The Framework) seek to promote sustainable development in rural areas where development would provide affordable housing to meet local needs, enhance or maintain the vitality of rural communities, and where it would be likely to support local services. The proposal would deliver six dwellings whose occupants would support local services. However, the proposal would only have a negligible effect on the vitality of local services. As such the proposal would not deliver meaningful rural community benefits as envisaged by the Framework.
9. Consequently, the proposal would not accord with policies CP1, CP2, CP3 and CP15 of the LP, that seek to direct the majority of new development to within settlement boundaries and only provide housing in rural areas that would meet listed criteria.

Character and appearance

10. The site is a former builder's yard. It contains two single-storey buildings, both of which appeared to be weatherproof. These are set back from the highway and do not meaningfully intrude into the open nature of the site. The site is enclosed by a stone boundary wall. Much of it is overgrown and as such contains a large extent of shrubs, hedging and trees. The site is relatively exposed and long views of the open countryside are particularly noted to the north and south. When travelling towards Minchinhampton, the site is screened by a dense group of trees and hedging. However, the site is otherwise open and exposed especially when travelling away from the settlement. Despite its

- unkempt appearance, the site makes a positive contribution to the character and appearance of the surrounding area due to its open and verdant nature.
11. The site is within the Cotswolds Area of Outstanding Natural Beauty (AONB). Policy ES7 of the LP states that priority will be given to the conservation and enhancement of the AONB. The policy explains that development should be sympathetic, complement local character and retain natural features. Furthermore, paragraph 172 of the Framework requires great weight to be given to the conservation and enhancement of AONB's.
 12. The Council's Landscape Sensitivity Assessment (2016) identifies that the site is within area M05, which has a high sensitivity to housing development. Although this may have been a high-level landscape assessment, it is nevertheless useful to qualify the general importance applied to this area in context with the surrounding landscape around Minchinhampton. The assessment identifies that area M05 acts as a backdrop to the village and housing would be prominent in the skyline when viewed from the south. The appellant's visual analysis² shows the wider effect of development from some views, although this was compiled when trees were in full leaf. As such, although the site is partly contained within tree screening it would nevertheless be prominent and obtrusive. The two-storey gable end of plot 1 and subsequent built form, would form a mass of development in views upon leaving the village. This would create a suburban form of development out of character with the local vernacular. Consequently, the proposal would not be considered as being low-key or sympathetic.
 13. The proposed dwellings would be relatively large two-storey properties. These would be prominent when viewed from the highway and neighbouring buildings. The quantity of built form on site would be significantly increased. Although the site is within a small cluster of development, the adjacent dwellings are predominantly single storey and arranged within relatively large plots. In contrast, the proposal would include large blocks of two-storey development with limited scope for screening to diffuse their mass. Furthermore, the removal of the existing buildings would be of limited visual benefit being subdued and screened. Consequently, the visual impact of the proposed dwellings would have a fundamental and harmful effect on the mostly open nature of the existing site.
 14. Walking around the site and taking in some distant views, I found the site to be relatively prominent. Although the proposal would deliver some limited visual benefits, through the use of natural materials, the retention of some natural features, the potential to create some new wildlife habitats and the addition of new landscaping, the net result of development would be to the visual disbenefit of the wider area. Thus, the proposal would not have a beneficial effect on the local landscape character being overt and dominant. The proposal would therefore be harmful to the character and appearance of the area and the AONB.
 15. As a result, the proposal would be contrary to policy ES7 of the LP, which seeks amongst other things for development to conserve and enhance the AONB.

² Appellants Statement of Case, appendix 8

Other Matters

16. The Framework seeks to significantly boost the supply of housing. The site consists of previously developed land and the Framework requires great weight to be given to the value of using suitable brownfield land. However, the framework also seeks decisions to recognise the intrinsic character and beauty of the countryside. This therefore must strike a balance between both objectives. Consequently, although Policy S05 of the LP promotes the maximum use of appropriately located under-used land, the proposal is not within a settlement and is not appropriately located. Accordingly, the site is not a suitable brownfield site.
17. The Stroud District Local Plan - Emerging Strategy (ES) suggests that a site for up to 100 dwellings could be advanced east of Tobacconist Road (Site PS05). Also, the ES presents three options for settlement development limits, with option 2 suggesting the use of broader criteria on a case by case basis. However, this does not confirm that option 2 has meaningful status and would become policy. This has not been through the scrutiny of public examination. As a consequence, the ES and comments in the consultation paper can only be afforded limited weight.
18. The appellant considers the site to be in a highly sustainable location and is nearer to the centre the settlement than many dwellings within it. However, there is no footway for a substantial distance along Woefulthane Road. There are also no street lights and no evidence before me that would indicate that the site is well served by public transport. Although future occupiers of the proposal could walk or cycle to services in the settlement, it is therefore more likely that the site would generate substantial car borne travel. Accordingly, whilst not isolated, I do not concur that the site is in a highly sustainable location.
19. The NP provides some support for the proposal by offering the enhancement of ecology and in delivering a high standard of design. However, the NP also seeks development that would reduce the need to travel by private car, to enhance the AONB and for the viability of the town to be maintained. As I have found harm to the AONB and for the proposal to have relatively poor accessibility, the identified support has a limited bearing in favour of the proposal. Furthermore, the addition of 6 dwellings would make only a limited contribution towards the town's vitality.
20. Representations have raised concerns in regard to the effect of the proposal on the living conditions of neighbouring residents, but these matters do not affect my findings on the main issues.
21. The appellant explains that an application for three dwellings gained planning permission³ on land at 'Croesco' in March 2017. This is to the west of the appeal site and included a replacement dwelling and two new dwellings. These appear to have been approved after the extended village boundary was adopted by the LP in 2015. This consequently has limited comparable policy context to the site the subject of this appeal.

³ Planning Application Reference: S.16/2894/FUL

Planning balance and conclusion

22. The Framework seeks to significantly boost the supply of housing. It also applies great weight to the redevelopment of brownfield sites and the conservation of the AONB. The proposal would conflict with the objectives of the spatial policies of the development plan. Furthermore, the site is in a prominent location, beyond a settlement boundary where harm to the character of the area is of greater effect than the benefits of providing further land for housing. Therefore, the balance falls against approval due to the greater harm identified to wider issues than the reuse of brownfield land.
23. For the above reasons the appeal is dismissed.

Ben Plenty

INSPECTOR