



Appeal Decision

Hearing Held on 3 October 2019

Site visit made on 3 October 2019

by J Moss BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2019

Appeal Ref: APP/F1610/W/19/3229031

Moore Land, Collin Lane, Willersey, Broadway WR12 7PE

- 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 Mrs Catherine Sheppard of Newland Homes Limited against the decision of Cotswold District Council.
 - The application Ref 17/04765/OUT, dated 17 November 2017, was refused by notice dated 11 January 2019.
 - The development proposed is a residential development of up to 40 dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal has been made in outline with all matters reserved for future determination, save for the means of access to the site. As such, I have had regard to plans numbered 765-5-3 (Site Location), 765-131 (Site Access Plan), and 765-11 (Highway Plan – connecting to Collin Lane). I have regarded all other plans as indicative.
3. The description of the proposal provided in the planning application form includes a repeat of the address of the appeal site and reference to it being an 'outline planning application'. In the interests of clarity and precision, these have been left out of the description of the development, as noted above.
4. The Council's decision notice listed three reasons for refusal of the planning application. Reasons 2 and 3 relate to the requirement for planning obligations in respect of affordable housing, education and library services. However, the agreed statement of common ground confirmed that these matters were no longer disputed by the parties.
5. Following the Hearing, I received a signed and dated legal agreement relating to the provision of affordable housing, as well as a signed unilateral undertaking addressing the provision of a contribution for both education and library services. These address the Council's objections with regard to reasons for refusal 2 and 3. Accordingly, the matter of planning obligations in relation to affordable housing, education and library services is not a main issue in this case.
6. It is common ground between the parties that the Council are able to demonstrate a deliverable 5-year supply of housing land, with the most recent

assessment confirming the current position as 7.6 years. The Council also confirmed that it exceeds the minimum requirement for the housing delivery test. This is not disputed by the appellant.

Main Issue

7. The main issue in this case is whether or not the location of the proposed development is acceptable, having regard to the local and national planning policies on the location of housing.

Reasons

8. The appeal site is land to the west of the village of Willersey. This settlement is identified in Policy DS1 (Development Strategy) of the Cotswold District Local Plan 2011-2031 adopted 3 August 2018 (CDLP) as a 'Principle Settlement'. Policy DS4 (Open Market Housing Outside Principle and Non-Principle Settlements) informs that New-build open market housing will not be permitted outside Principal and Non-Principal Settlements unless it is in accordance with other policies that expressly deal with residential development in such locations.
9. Policy S19 of the CDLP allocates land for housing and mixed used development within and adjacent to the existing village of Willersey. The CDLP imposes a development boundary (Policy DS2) around the settlement of Willersey, which includes the existing village, the development allocations identified in Policy S19, and the ongoing development site to the south of the appeal site (land off Colin Lane), through which the appeal site would be accessed. The development boundary does not include the appeal site.
10. It is common ground between both parties that the appeal proposal would not be permitted by Policy DS4 of the CDLP and that it would not accord with any other policies that expressly deal with residential development in this location. I have no reason to reach a different conclusion.
11. It is acknowledged that Willersey has been identified as a settlement that can accommodate growth. However, it does not automatically follow that the settlement should accommodate **any** growth that is proposed.
12. The supporting text of Policy DS4 confirms that the strategy facilitates sufficient development **within** development boundaries to meet, in full, the district's objectively assessed housing needs over the Plan period. The development strategy follows a holistic and methodical process undertaken by the Council for the dispersal of the housing requirement throughout the district. As a result of that process a certain amount of growth is envisaged for Willersey. The appeal site was considered to accommodate some of that growth, and I acknowledge the appellant's suggested logic of extending the current adjoining development (land of Collin Lane) up to the physical boundary provided by the railway line and the houses at The Quinary. However, the fact remains that the appeal site was not allocated.
13. The Council confirmed that, instead, the growth would be mostly accommodated within the preferred allocated site¹. This contains an element of previously developed land and, along with some 49 units of new housing, would provide additional employment opportunities for the village.

¹ Site reference W_7A/WIL_E1C in Policy S19 of the CDLP

14. The strategy is clearly succeeding. Whilst I acknowledge that the housing requirement figure is not a maximum, adding to that figure with dwellings that would not comply with the strategy, or any of the exceptions to it, would undermine its success and harm the strategy as a whole. The Government's aim is to significantly boost the supply of homes where they are needed². The evidence in this case is that this site is not needed.
15. As the development would be harmful to the Council's development strategy and conflict with Policy DS4 of the CDLP, I conclude that the location of the development would be unacceptable.
16. My attention has been drawn to a number of appeal decisions, many of which are consistent with my findings on the main issue with regard to compliance with the housing strategy. The appeal decision in respect of Allesborough Farm, Pershore³, relates to land within a different authority area and policy context. Furthermore, the Inspector in that case highlighted additional benefits of the proposed scheme, including improvements to the setting of a designated heritage asset, that would not occur in the case that is before me. Those benefits were considered to outweigh the conflict with policy in that case. Accordingly, none of the appeal decisions referred to alter my conclusions on the main issue in this case.

Other Matters

17. I have had regard to other matters raised, including, but not limited to, the ability of the village to absorb the development; highway safety and vehicle movement in the locality; drainage and flood risk; and disturbance from construction works. As I am dismissing the appeal on the main issue for the reasons given above, I have not addressed these matters further.

Planning Balance and Conclusions

18. The appellant refers to matters that would justify the proposed diversion from the CDLP housing strategy. These include the provision of up to 40% affordable housing units in an area with a high level of affordability and where affordable housing needs are not being met. Whilst this is noted, some of the affordable housing needs would be met on the allocated sites within Willersey and within the ongoing development that is under construction on the land adjoining the appeal site. Accordingly, the provision of affordable housing would be a material consideration in this case that would carry moderate weight.
19. I would also attribute moderate weight to the social and economic benefits that would arise from the construction of the development itself and from its occupiers.
20. The appellant suggests that the development of the larger allocated site in Willersey may be delayed and that the district's strategic allocation in the main settlement of Cirencester is not being developed at the rate intended. Although I was provided with limited evidence to substantiate these claims, any such difficulty is not evident within the measures of housing land supply or delivery in the district. Accordingly, I give this matter little weight.

² Paragraph 59 of National Planning Policy Framework (the Framework)

³ Appendix 8 of the appellant's statement of case and appeal reference APP/H1840/W/17/3188250

21. I acknowledge that occupiers of the development would have sufficient access to everyday services and facilities and that the development would accord with other policies within the CDLP, including those relating to the built, natural and historic environment; biodiversity and geodiversity; highway safety; and the delivery of infrastructure. I also acknowledge that there are no particular constraints to the development of the site, as noted in the Strategic Housing Land Availability Assessment Review September 2017; a document produced to inform the allocations policies of the CDLP housing strategy. However, such matters are expected of new development in any event and would, therefore, have a neutral effect in the planning balance.
22. Furthermore, that the development subject of this appeal would not prejudice the delivery of the two allocated sites within Willersey⁴ is a matter that would not add weight in favour of the scheme. Instead it would be a minimal requirement of an acceptable development
23. The Council are far exceeding the minimum necessary in respect of the housing delivery test and supply of housing land, in accordance with paragraphs 73 and 75 of the Framework. The benefits of this scheme, in particular the provision of 40% affordable housing on the appeal site, would not in this case justify the approval of 60% market dwellings in a location that conflicts with the Council's housing strategy. To do so would be harmful to the plan-led system and the approach of actively managing patterns of growth in the district in accordance with the successful CDLP housing strategy.
24. For the reasons given above I conclude that the appeal should be dismissed.

J Moss

INSPECTOR

⁴ Sites referenced W_7A/WIL_E1C, W_1A and W_1B in Policy S19 of the CDLP

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Adrian Walker	Senior Planner, Cotswolds District Council
Fern Lynch	Senior Planner, Cotswolds District Council

FOR THE APPELLANT:

Jamie Lewis	Associate Planner, Ridge and Partners LLP
Catherine Sheppard	Newland Homes Limited
Nathan Halloran	Assistant Planner, Ridge and Partners LLP
Jeremy Drew	Newland Homes Limited

INTERESTED PERSONS:

Elizabeth McGinn	Local Resident
James McGinn	Local Resident

HEARING DOCUMENTS

1. Plan number 765-131 entitled 'Site Access Plan'
2. Draft copy of a planning agreement between Cotswold District Council, Newland Homes Limited, Carl Moore and Kim Armento
3. Draft copy of a planning obligation (by undertaking) of Newland Homes Limited, Carl Moore and Kim Armento to Gloucestershire County Council

Documents Submitted following the close of the hearing:

1. A signed and dated planning agreement between Cotswold District Council, Newland Homes Limited, Carl Moore and Kim Armento.
2. A unilateral undertaking to Gloucestershire County Council dated and signed by Newland Homes Limited, Carl Moore and Kim Armento.