
Appeal Decision

Site visit made on 17 December 2019

by M Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2020

Appeal Ref: APP/G1630/W/19/3238070

Land to the west of the A48, Minsterworth village, Near Gloucester, Gloucestershire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr Tony Markey against the decision of Tewkesbury Borough Council.
 - The application Ref 19/00550/PIP, dated 30 May 2019, was refused by notice dated 20 August 2019.
 - The development proposed is a residential development of up to 9 dwelling houses.
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Decision

1. The appeal is allowed and permission in principle is granted for a residential development of at least 4 and up to 6 dwelling houses at Land to the west of the A48, Minsterworth village, Near Gloucester, Gloucestershire in accordance with the terms of the application, Ref 19/00550/PIP, dated 30 May 2019.

Procedural Matters

2. The appeal proposal is for a Permission in Principle. This consent route has two stages, the first stage establishes whether a site is suitable in principle, and the second stage, the technical details consent, is where the detailed development proposals are assessed. The appeal proposal is at the first stage and therefore I have considered the principle of the scheme.
3. During the course of the planning application the maximum number of dwellings was reduced from 9 to 6. There was also confirmation that the minimum number of dwellings proposed was 4. I have included these details in the formal decision above.

Application for costs

4. An application for costs was made by Mr Tony Markey against Tewkesbury Borough Council. This application is the subject of a separate Decision.

Main Issue

5. The main issue in this case is whether or not the principle of the proposed development is acceptable, with specific regard to its location.

Reasons

6. The appeal site occupies a position to the north west of the A48 road, which passes through Minsterworth, and comprises a field laid to grass. The site is enclosed along the highway by landscaping and trees set behind a grass verge. To the north lie residential properties, immediately adjoining the site boundary, whilst to the south lies the remainder of the field, with further residential properties beyond.
7. The adopted development plan for the area comprises the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 to 2031 (adopted 2017) (the JCS) as well as the saved policies of the Tewkesbury Borough Local Plan to 2011 (adopted 2006). The Council highlight that the most relevant policies in regard to this appeal are Policies SP2 and SD10 of the JCS. Policy SP2 outlines that outside of Tewkesbury Town, Rural Service Centres and Service Villages, in the remainder of the rural area, Policy SD10 will apply to proposals for residential development. The Council highlight that Minsterworth is defined as a service village. However, whilst the appellant contends that the site lies within the service village, there is no settlement boundary for Minsterworth defined within the JCS. From my observations, whilst it was clear that the site is adjacent to the built-up area, it does not currently form part of it, and as such, in my view, does not lie within the service village for the purposes of Policy SP2. Consequently, the requirements of Policy SD10 are relevant.
8. Paragraph 4 of Policy SD10 sets out the circumstances where housing development, other than in a number of stated conditions which do not apply to this scheme, will be permitted. The appellant contends that the scheme would comply with paragraph 4, criterion ii, in that the scheme would comprise infilling within the existing built-up area of a village. However, as I identify above, the site does not currently lie within the built-up area but adjoins it. I note that the explanation to the policy states that "For the purposes of this policy (4 ii), infill development means the development of an under-developed plot well related to the existing built form". Given the proximity to the existing built development to the north of the site, I consider that the site would be well related to the built form. However, this does not overcome that the site is not located within the built-up area of the village, as required by the policy. Accordingly, I find that the scheme would conflict with Policies SP2 and SD10 of the JCS.
9. The Council also draw my attention to Policies RES2 and RES3 of the Pre-Submission version of the Tewkesbury Borough Plan to 2031 (the TBP), which is currently subject to consultation. The TBP defines a settlement boundary for Minsterworth, which the site lies adjacent to, but outside of. Policy RES2 establishes that residential development is acceptable in principle within the settlement boundary. Outside of these boundaries, Policy RES3 sets out circumstances where residential development will be considered acceptable, none of which apply in this case. As such, the proposal would also conflict with Policies RES2 and RES3 of the emerging TBP. However, the appellant highlights that there are currently unresolved objections in respect of both of these policies. Based on the evidence before me, taking into account the guidance of paragraph 48 of the National Planning Policy Framework (the Framework), I consider that the conflict with the policies of the TBP carries limited weight in the consideration of this appeal.

10. The Council is currently unable to demonstrate a five-year supply of deliverable housing sites, it is stated that there is currently a 4.33-year supply. Consequently, paragraph 11 of the Framework is engaged. Both main parties agree with this. The Council state that there are no policies in the Framework for the protection of areas or assets of particular importance which apply in this case. As such, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
11. The scheme would deliver up to 6 new dwellings, which would contribute towards the shortfall in housing supply, albeit the benefits of such would not be significant given the scale of the development. There would also be economic benefits, both during construction and afterwards, associated with the development. I attach moderate weight to these benefits. The Council contends that the sites location outside of the settlement boundary would result in adverse impacts. However, as I discuss above, the conflict with the emerging TBP and consequent location outside of a settlement boundary must only attract limited weight.
12. It is further contended by the Council that the scheme would result in an encroachment into the countryside. Whilst I acknowledge that the proposal would result in the introduction of built form into a currently undeveloped parcel of land, it would be positioned immediately adjacent to existing residential development, would reflect the linear form of development in the vicinity and would not extend westward into the countryside to any greater extent than the adjoining development. In this context, the encroachment into the countryside would be limited, as would the adverse effects arising.
13. Therefore, I find that the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits. This indicates a decision otherwise than in accordance with the development plan.
14. The Council has suggested a condition to be applied in the event that permission in principle was to be approved. However, the government's Planning Practice Guidance makes it clear that it is not possible for conditions to be attached to a grant of permission in principle, whose terms may only include the site location, the type and amount of development.

Conclusion

15. For the reasons given above and having regard to all matters raised, I conclude that the appeal should be allowed.

Martin Allen

INSPECTOR