
Appeal Decision

Site visit made on 2 June 2020

by M Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2020

Appeal Ref: APP/G1630/W/19/3241557

1 Cooks Green Cottages, Lower Apperley, Tewkesbury, Gloucs GL19 4DY

- 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 Lennard Attard against the decision of Tewkesbury Borough Council.
 - The application Ref 19/00575/OUT, dated 17 May 2019, was refused by notice dated 27 September 2019.
 - The development proposed is the construction of a single dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The site address is referred to as Cooke Green Cottage in the planning application form. However, it is clear from the remainder of the submitted information that this should read Cooks Green Cottage and so I have used this in the banner heading above.
3. The application was submitted in outline with the application form indicating that the matter of access was for determination. I have considered the appeal on this basis.
4. The Council at 1.1 of its Statement of Case refers to planning permission being refused for a retrospective development. It is clear that the development has not yet taken place and I have dealt with the appeal on that basis.

Main Issues

5. The main issues raised are:
 - i) the suitability of the location having regard to the locational strategy of the development plan,
 - ii) whether the location benefits from appropriate sustainable transport options, and
 - iii) the effect of the proposal on the character and appearance of the area.

Reasons

Location

6. Policy SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 to 2031 (the JCS) sets out the appropriate locations for residential

- development. The policy sets out that housing will be permitted on allocated sites, as well as unallocated sites on previously developed land within the existing built up areas of Gloucester, the principal urban area of Cheltenham and Tewkesbury, rural service centres and service villages. The appeal site is unallocated and is not within the built-up area of any of these stated areas.
7. On sites other than those stated above, housing is permitted in a number of stated exceptions. Of relevance to this proposal is criterion ii) of this policy which allows housing where it is infilling within the, amongst other things, built-up areas of villages. The reasoned justification for the policy outlines that infill development means the development of an under-developed plot well related to the existing built development.
 8. Policy RES4 of the emerging Tewkesbury Borough Plan (2011-2031) also sets out where new housing will be permitted at rural settlements, in particular it requires that residential development is well related to existing buildings within the settlement.
 9. The appeal site comprises the side garden of one of a pair of semi-detached dwellings. To the east of the site is a small collection of dwellings, on the south side of the highway which exhibits some degree of cohesion. However, the pair of dwellings directly adjacent to the appeal site are separated from this grouping by the presence of an access track, along which a Public Right of Way (PROW) runs, as well as a further area of land. As a consequence, in my view, the appeal site has little visual relationship with the group of dwellings to the east and does not read as part of it. As a consequence, I find that it is not well related to the built development which this grouping of dwellings form. Furthermore, the appeal site forms part of a large garden area of the adjacent dwelling, notwithstanding that I observed it to be currently fenced off, and it lies adjacent to a field which forms part of the surrounding countryside. The site therefore shares a greater affinity with the countryside than with any built development in the area.
 10. The appellant further contends that infilling can be considered to be the development of a site between existing buildings. Whilst a dwelling lies adjacent to the site on one side, to the other lies a field with the nearest dwelling being some 0.2 miles away. As such, the scheme would not develop a site between two buildings, given the extent of the separation between them.
 11. Thus, as I have found that the proposal would not be well-related to existing built development, the location of the proposal would not accord with the locational strategy of the development plan, in that it would conflict with the policy referred to above. It would also conflict with the policy of the emerging plan.

Transport

12. There are no services within the immediate vicinity of the site. The appellant contends that Apperley provides a range of facilities serving the parish, however no further detail of what such services are has been provided. Nonetheless, in order to access any such services on foot it would be necessary to walk along the roads in the area. I observed these to be reasonably busy roads utilised by a variety of vehicles. This coupled with the lack of pedestrian facilities along the roads would mean that occupants of the proposed dwelling would be unlikely to choose to walk to Apperley. I note that there are a number of PROW's within the vicinity of the site which could be utilised, however it would still be necessary to walk along the local roads for a large part of any journey.
13. In terms of public transport, it is highlighted that the nearest bus stop is approximately 120 metres from the site. The Council highlight that a bus stops at

the location only 4 times a day in one direction and 5 times a day in the other. This appears to me to be a relatively limited bus service. Furthermore, whilst the bus stop is not a significant distance from the site, it would be accessed along the road where, as I have pointed out above, has no pedestrian facilities and is a relatively busy road. As such, I consider this would not be an attractive option for occupants, particularly so in the dark, as I observed no street lighting, or inclement weather. I therefore find that future residents of a dwelling on the appeal site would rely heavily, if not entirely, on a private vehicle to access the services and facilities that they require.

14. I note an appeal decision¹ cited in support of the proposal which permitted residential development. However, that scheme benefitted from facilities within walking distance and it was concluded that alternatives, even if limited, to the private car existed. In the case before me, I have found that occupants would be heavily, if not totally reliant on the use of a car. A number of other developments have also been provided as examples of planning permissions granted by the Council. A number of these cases appear to have pre-dated the adoption of the current development plan and therefore were considered under a differing policy context. Furthermore, many of the examples are located some distance away from the appeal site. None of these other schemes are therefore directly comparable to the appeal proposal, which I have determined on its own merits.
15. Accordingly, I find that the location does not benefit from appropriate sustainable transport options and therefore the proposal conflicts with policy INF1 of the JCS, insofar as it seeks to ensure that new development provides a travel choice for residents and commuters. It would also conflict with the sustainable transport aims of the National Planning Policy Framework (the Framework).

Character and appearance

16. The site comprises an area of land to the side of the pair of semi-detached dwellings and, whilst currently fenced off, is visible from the adjacent road as an open area of land, mainly laid to grass but with some trees within and enclosed by mature hedging. There is no built development within it. As a consequence, the site shares a greater affinity with the surrounding countryside than it does with any of the built development that is in the area. It forms an attractive transition space between the dwellings present and the bordering field. Whilst there are some dwellings within the wider area, there is a distinct sense of spaciousness at this location which the site contributes positively to.
17. I am also conscious that the site lies within a Landscape Protection Zone (LPZ) which, whilst not conveying the protection of a statutory designation, such as an Area of Outstanding Natural Beauty, nonetheless recognises the importance of the area around the River Severn, within which the site lies for, amongst other things, its amenity value.
18. The indicative layout provided shows that the proposed dwelling would be set back from the highway which would reduce its prominence. However, it would occupy what is now an undeveloped area of land, eroding the spaciousness of the area. The presence of the proposed dwelling would change the appearance of the site from that of an open garden area; it would appear as an intrusive element and would have an urbanising effect at this countryside location. I note the appellant contends that the proposal would be a continuation of the linear pattern of development, yet I find that it would be a visual intrusion in the rural area. Whilst the impact of the development would only be discernible from the vicinity of the

¹ APP/G1630/W/16/3150236

site and it would be located within what appears to be the existing curtilage of a property, the scheme would result in a significant harmful impact on this countryside location.

19. I note that the Council have referred to the proposed parking area having an adverse effect. Yet I observed what appeared to be an enlarged parking area has already been constructed to the front of the site. As such, I do not consider that the parking arrangements for the proposed dwelling would be unduly harmful. This does not however allay my concerns in respect of the impact of any dwelling itself.
20. Consequently, I find that the proposal would have a harmful effect on the character and appearance of the area. The scheme thus conflicts with policies SD4 of the JCS as well as saved policy LND3 of the Tewkesbury Borough Local Plan to 2011 (adopted 2006). Together, and amongst other things, these policies seek to ensure that new development responds positively to its surroundings and that the importance of the visual amenity of the area around the River Severn is protected. The scheme would also conflict with the landscape protection aims of the Framework.
21. The reason for refusal cited by the Council refers to policy SD6 of the JCS. From the copy of the policy provided, it is clear that it refers to development within a Green Belt. The Council have indicated however that the site does not lie within a Green Belt and there is no reference to this designation in the Council's Delegated Report or Statement of Case. As such, I have considered the scheme on the basis that the site does not lie within a Green Belt and as such this policy does not appear to be relevant to the scheme before me. Furthermore, policy LAN2 of the emerging Tewkesbury Borough Plan (2011-2031) has been referred to however a copy of this policy has not been provided. Nonetheless, I have found conflict with the adopted policies referred to above.

Other Matters

22. The Council accept that they are unable to demonstrate a 5-year housing land supply; currently with a 4.33-year supply. The extent of the shortfall has been clarified to be 194 dwellings. The appeal scheme would provide only a single dwelling. As such, whilst there would be a contribution to housing, as well as associated economic and social benefits, these would be limited. Overall, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the limited benefits that would arise from the contribution of a single dwelling to housing supply when assessed against the policies in the Framework, taken as a whole.
23. There is mention of the proposal not resulting in an isolated dwelling. I agree that the location would not be isolated within the context of paragraph 79 of the Framework. However, that the dwelling would not be isolated in this regard does not outweigh the harm that I have identified. I note that the appellant asserts that the scheme could include electric charging points and that there is good broadband connectivity. Neither do these matters outweigh the harms that I have identified.

Conclusion

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

Martin Allen

INSPECTOR