



Appeal Decision

Site visit made on 8 June 2020 by AJ Sutton BA Hons DipTP MRTPI

by R C Kirby BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2020

Appeal Ref: APP/G1630/W/20/3247018

Land off the B4632, Cleeve Hill, Gloucestershire

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- 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 Centaur Homes against the decision of Tewkesbury Borough Council.
 - The application Ref 19/00682/FUL, dated 28 June 2019, was refused by notice dated 15 November 2019.
 - The development proposed is described as 'erection of 4no. infill dwellings, new vehicular access and landscaping'.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The original scheme was amended during the planning application stage with the removal of one proposed dwelling and submission of a revised layout. Therefore, the description of the proposed development before me is as stated on the decision notice, that is, '*erection of 3 no. infill dwellings, new vehicular access and landscaping*', and forms the basis of this recommendation.
4. The appeal site address on the planning application and appeal forms incorrectly state that it is land east of the B4632.
5. The decision notice references the Cotswolds Area of Outstanding Natural Beauty (AONB) Management Plan 2013-2018. Both parties agree that this was incorrect and the Cotswolds AONB Management Plan 2018 – 2023 is material to this case. As such I have given appropriate weight to the latter in reaching this recommendation.
6. Both parties have drawn my attention to emerging policies of the Tewkesbury Borough Plan which was approved for submission in 2019. However, as there may be unresolved objections to its policies, which may yet change prior to being formally adopted, I afford the emerging policies limited weight.

Main Issues

7. The proposed contemporary design of the dwellings, which would be constructed using local stone, is considered high quality and as such this aspect of the proposed development is not in dispute.
8. Therefore, the main issues are:
 - Whether the location of the appeal site is suitable for new housing having regard to the development strategy for the area and its accessibility to shops and services; and
 - The effect of the proposal on the character and appearance of the area including the Cotswolds Area of Outstanding Natural Beauty (AONB).

Reasons for Recommendation

9. The appeal site, described as a paddock, is a parcel of land, set high on the Cotswolds AONB escarpment, west of the B4632. It is somewhat flanked by detached properties to the north and south. There are mature trees and vegetation at the west boundary set within properties on Petty Lane positioned lower down the slope. The Malvern View Care Home is located opposite and on the eastern side of the road, with a scattering of properties to the north set into the escarpment. There is also a public footpath to the north of the appeal site which allows access from the bottom of the scarp to the B4632 and Cleeve Common beyond.
10. On the lower part of the slope of Cleeve Hill is the small settlement of Southam. Travelling up the hill, there is a small concentrated group of dwellings, clustered around Post Office Lane and Stockwell Lane, which provide routes to the settlement of Woodmancote and Bishops Cleeve. Whilst a linear development pattern on the B4632 is evident on the lower parts of the hill, particularly on the east side of the road, development becomes more sporadic close to the appeal site, with sparse development separated by open countryside observed north of Stockwell Lane.

Location

11. Policy SP2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017 (JCS) states that development will be focused at Gloucester and Cheltenham. Rural service centres (such as Bishops Cleeve) and service villages (such as Woodmancote) will also accommodate a lower level of development. There is no dispute that the appeal site is not located within either a rural service centre or a service village. In other rural areas, such as that occupied by the appeal site, Policy SD10 of the JCS allows new residential development in a number of circumstances, including infilling within Tewkesbury's towns and villages.
12. The appeal site is located between 2 dwellings which front on to the B4632 and in this regard I consider that it constitutes an infill site. However, the location of the appeal site, in an area where the development is fragmented, towards the summit of Cleeve Hill which is visually and physically separate from the more concentrated development around Stockwell Lane and Post Office Lane, and from nearby settlements, does not clearly form part of a settlement or indeed a village.

13. As such, I find, whilst the proposal would infill an under- developed plot of land flanked by individual dwellings, it would not constitute infilling within an existing built-up area of a town or village. The proposal would also not fall within any of the other categories set out within JCS Policy SD10.
14. Moreover, whilst the proposed dwellings would not comprise isolated homes in the countryside, because of their proximity to nearby development, there are few local services close to the appeal site beyond a golf club and public house. Although there is a pavement along the length of Cleeve Hill, the steep gradient of the hill near the appeal site and the volume of traffic would make walking or cycling unattractive to access these services, particularly for families with small children and for those with limited mobility.
15. The availability of regular bus services near the site is noted. However, future occupants of the proposed dwellings would be generally dependent on motor vehicles to access the local services at Woodmancote and for other services in the nearby urban settlements, such as secondary schools, jobs, entertainment and shopping. For those that did not have access to a private vehicle these services and facilities would not be easily accessible.
16. In summary, the location of the appeal site is not suitable for new housing and accordingly the proposal results in conflict with Policies SP2 and SD10 of the JCS which collectively seek to direct new housing development to sustainable locations which are served by services and facilities.

Character and Appearance

17. The National Planning Policy Framework (Framework) sets out that great weight should be given to conserving and enhancing the landscape and scenic beauty of AONB, which, along with other designated areas have the highest status of protection in relation to these issues. Paragraph 170 of the Framework states that planning policies and decisions should recognise the intrinsic character and beauty of the countryside, amongst other matters.
18. The appellant's Landscape and Visual Impact Assessment (LVIA) and Landscape Statements were conducted on the basis of the original proposed layout of 4 dwellings, and as such I acknowledge that this would present the 'worst case' scenario regarding the effect of the proposed development.
19. The appeal site is a small paddock comprising grassland with few landscape attributes, close to some built features. The Cotswolds escarpment, in which it is situated has been identified as a special quality of the AONB.¹ Whilst views of the site are restricted from the wider area, it does allow limited views over the surrounding countryside, thereby contributing to this particular special quality.
20. Proposed changes to the site from distance viewpoints would be viewed in the context of neighbouring development and the impact on the landscape character would therefore be limited. Likewise, views of the new dwellings would be transient in nature for those using vehicles on the B4632.
21. However, when conducting the site visit, pleasing views towards Nottingham Hill and over part of the escarpment, albeit restricted, could be gained from the eastern boundary of the site. Although the bulk of the proposed development

¹ Cotswolds Area of Outstanding Natural Beauty Management Plan 2018 – 2023

- would be reduced by being set lower into the slope of the site, this view, afforded to pedestrians and occupants and visitors of the Care Home, would be interrupted by the proposed three large dwellings. As highlighted in the LVIA, with landscape mitigation this would still result in an adverse effect.
22. Furthermore, whilst views may be restricted from the Woodmancote footpath (WFP36) at viewpoint 3 (identified in the LVIA), I observed when carrying out the site visit, that the site is clearly visible from a substantial section of the WFP36, parallel to the north boundary of the site. From this public vantage point the proposed development, two and three storey built structures, would be clearly evident. As such the existing green pleasant views towards the surrounding countryside, which are likely to be enjoyed by walkers, would be harmfully altered with the encroachment of the proposed built forms.
23. Whilst the development would be small scale when considered in the context of the wider AONB landscape, it would result in a distinct localised visual change. The proposed layout would introduce a grain of development more akin to a suburban setting. It would create a linear form of urbanisation, inconsistent with the existing sparse development pattern on this elevated section of Cleeve Hill. In doing so it would harmfully erode the rural character of the area. The recommended landscape enhancements would in part mitigate the effect but would not wholly address the identified visual harm.
24. Overall, I find that the proposed development would be harmful to the character and appearance of the area and it would not conserve the landscape and scenic beauty of the AONB. Accordingly, the proposal conflicts with Policy SD7 of the JCS which states that all development proposals in or within the setting of the Cotswolds AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities. There would also be conflict with the Framework as set out above.
25. The proposal would also be contrary to the Cotswolds AONB Management Plan 2018 - 2023, which amongst other matters, advises that proposals that are likely to impact on, or create change in, the landscape of the Cotswolds AONB should have regard to the scenic quality of the location and its setting and ensure that views – including those into and out of the AONB – and visual amenity are conserved and enhanced.
26. Policy SD6 of the JCS, cited on the decision notice, relates to development in the Green Belt which is not at issue in this case and as such is not considered relevant.

Other Matters

27. My attention has been drawn to appeal decisions within close proximity to the appeal site. The Inglecroft appeal decision² predates the latest iteration of the Framework and was made prior to the adoption of the JCS. I do not seek to dispute the Inspector's conclusion that Cleeve Hill constitutes '*an appreciable group of buildings that includes a public house, and such can be reasonably considered to be a small village*'. However, this conclusion was made when considering the development of a site on Post Office Lane, on the lower part of the escarpment, within a cluster of existing development, which is reasonably

² APP/G1630/W/17/3175111

close to Woodmancote. The Land at The Coach House appeal decision³, which referenced the Inglecroft decision, also related to a site on Post Office Lane and was therefore comparable in that respect.

28. The character of the area, subject of these decisions, differs distinctly from the appeal site before me and does not provide justification for development of the appeal site as proposed.
29. I acknowledge that development is not precluded within the AONB, and I support the Inspector's judgement in the Greet appeal decision⁴, regarding sensitively designed schemes. However, in that case the site was outside of the AONB and the Inspector ruled that the proposal would not have a harmful effect on its setting. The circumstances are not directly comparable to the proposal before me and accordingly this matter carries little weight in my consideration of this case.
30. The emerging policies may provide greater flexibility than policies of the adopted development plan, however, they would still seek to restrict development in rural areas. Given their emerging status they have not been decisive in this case.

Planning Balance

31. There is no dispute that the Council cannot demonstrate a five year supply of deliverable housing sites, however, in light of the harm that I have identified to the Cotswolds AONB, the 'tilted balance' given by Framework paragraph 11 d) does not apply in this case.
32. The proposal would make a contribution to the Government's objective of significantly boosting the supply of homes. There would also be economic benefits of supporting smaller house building companies, during construction and when the dwellings were occupied. Furthermore, future occupants of the dwellings would to some extent help enhance or maintain the vitality of rural communities and support services in nearby villages. Such benefits would however be moderate given the quantum of development proposed.
33. The proposed high-quality design, renewable energy measures, ecological enhancement and sustainable features would also be beneficial. However, given the magnitude of the proposed development I attach limited weight to these benefits.
34. The adverse impact of the proposal on the character and appearance of the area and the AONB would conflict with the development plan and the Framework. This carries significant weight against the proposal and outweighs the benefits of the scheme.
35. I conclude that the other material considerations identified are not therefore sufficient to outweigh the conflict with the development plan and the Framework taken as a whole. Accordingly, the proposal would not comprise sustainable development.

³ APP/G1630/W/17/3184561

⁴ APP/G1630/W/19/3228967

Conclusion and Recommendation

36. For the reasons outlined above, and having regard to all other matters raised, it is recommended that the appeal should be dismissed.

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

37. I have considered all the submitted evidence and concur that the appeal should be dismissed.

RC Kirby

INSPECTOR