



Appeal Decision

Site visit made on 29 June 2020

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 19 August 2020

Appeal Ref: APP/G1630/W/20/3244459

Bishops Leys Farm, Butts Lane, Woodmancote, Cheltenham, GL52 9QH

- 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 Mrs Helen Minett against the decision of Tewkesbury Borough Council.
 - The application Ref 19/00135/FUL, dated 5 February 2019, was refused by notice dated 20 August 2019.
 - The development proposed is the erection of a village infill dwelling.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are:
 - Whether or not the appeal site is a suitable location for residential development, having regard to local policies for housing in the countryside;
 - The effect of the proposal on the character and appearance of the surrounding area and the AONB.

Reasons

Suitability of location

3. Woodmancote is a 'service village' as defined by Policy SP2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (adopted December 2017)(JCS). The site does not fall within an allocated area in the village and therefore the provision in Policy SP2(5) does not apply. However, Policies SP2 and SD10 of the JCS together allow for development of housing in the remainder of the area in certain circumstances, including on previously developed land and infilling in a village.
4. Woodmancote does not have a defined development boundary, so a degree of judgment is necessary regarding whether the site is within the village. Bishops Leys Farm is to the east of Butts Lane, on which side there are a few, distantly scattered houses in large plots with outbuildings, separated by fields from Woodmancote. Bishops Leys Farm is the last but one house before the surroundings become entirely rural in character. The site therefore most closely relates to the semi-rural countryside beyond the built-up area of Woodmancote and I conclude that, in both character and location, it is not part of the village.

Policy SD10(3) allowing exceptional development on previously developed land in a service village therefore does not apply.

5. For the same reasons, provision for infilling in Policy SD10(4) within the village of Woodmancote is not applicable. However, Policy SD10(4) allows infilling with housing in any village, not just service villages. The pattern of sparse, ribbon development along this side of Butts Lane does not comprise an appreciable cluster of houses such that it could be considered a separate small village, and the setting therefore does not meet the requirements for infill housing.
6. Several appeals have been brought to my attention regarding development along another lane radiating from Woodmancote. All of the referenced sites are in an appreciable group of buildings and therefore in a different setting. On this basis, I do not regard any of the appeals as directly comparable, and regardless, I must base my decision on the merits of the case before me.
7. The proposal therefore does not meet the requirements of Policies SD2 or SD10 of the JCS, which direct development to the most sustainable locations.

Character and appearance of the AONB

8. The site is within the Cotswolds Area of Outstanding Natural Beauty (AONB) and is positioned at the important point of transition from semi-rural to rural character, on the lower slopes of the escarpment, views of which are part of the special quality of the area¹. Policy SD7 of the JCS requires that all proposals conserve, and where appropriate, enhance the AONB's landscape. In its intention, this reflects Section 85 of the Countryside and Rights of Way (CROW) Act 2000, which gives a statutory duty to conserve and enhance the natural beauty of the AONB.
9. The current grassed area is not a formal, domestic garden, nor did it appear to be intensively used at the site visit. It therefore contributes to the semi-rural character and appearance of the AONB, and replacement of this with a house, garden and domestic paraphernalia would not conserve or enhance the character of the landscape. Given its location towards the end of a loose ribbon of development, further domestication of the site would be a harmful encroachment into the surrounding countryside at the sensitive point of transition to a rural landscape.
10. The proximity of the development to the existing property would be unusually close when compared to other houses on this side of the road and would represent a harmful intensification of development, reducing the sense of openness in this sensitive landscape. This conflicts with Policy SD4, which in part requires that development respects the prevailing structure and grain of the locality.
11. In its proposed use of traditional materials, height and vernacular architectural style the building is consistent with relevant aspects of Policy SD4, which require that development be of good design. However, this is not sufficient to overcome the harm identified above.
12. The proposal would therefore not conserve or enhance the natural beauty of the AONB, nor its character or special qualities, and is therefore in conflict with

¹ Cotswolds AONB Management Plan 2013-2018

local Policy SD7. The proposal also conflicts in part with Policy SD4, which requires that development responds positively to the prevailing layout.

Planning balance

13. Tewkesbury Borough Council is not able to demonstrate a five-year supply of deliverable housing sites. I have noted the discussion regarding the extent of this deficit, but for the purposes of my decision it is sufficient to conclude that there is at best only 4.3 years' supply.
14. However, paragraph 11 d(i) of the Framework states that development contrary to policies in the Framework that protect an AONB provide a clear reason for refusal. Paragraph 172 requires that great weight be given to conserving and enhancing landscape and scenic beauty in AONBs, regardless of the size of the development, and for the reasons above I consider that the proposal does not achieve this.
15. There would be benefits from increasing housing supply and the contribution that this would bring to the local economy, but as this is only a single dwelling these benefits would be modest. I have also noted support from local third parties, citing potential benefits from an increase in security locally. However, these benefits would be insufficient to overcome harm from the conflict with local policies regarding development in the countryside and the great weight given to potential harm to the AONB.

Conclusion

16. For the reasons above, and having regard to all other matters raised, the appeal should be dismissed.

B Davies

INSPECTOR