
Appeal Decision

Site visit made on 15 July 2020

by R Lankshear BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2020

Appeal Ref: APP/G1630/W/20/3249306

Land off School Road, Apperley, Gloucester

- 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 Steve Topham against the decision of Tewkesbury Borough Council.
 - The application Ref 19/01166/PIP, dated 2 December 2019, was refused by notice dated 30 January 2020.
 - The development proposed is the erection of 1 no. dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. As explained in the Planning Practice Guidance (the Guidance), the Town and Country Planning (Permission in Principle) (Amendment) Order 2017 (the Order) is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for the proposed development from the technical detail. The scope of the first stage, that is to establish whether a site is suitable in principle for development, is limited to location, land use and amount of development.
3. In respect of residential development, an applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum number of net dwellings as part of the application. In this instance, permission in principle has been sought for the erection of one dwelling at the appeal site. For the avoidance of doubt, I have determined the appeal on that basis, having regard to the requirements of the above referenced Order and the Guidance.
4. My attention has been drawn to Policies RES3 and RES4 of the pre-submission version of the Tewkesbury Borough Plan that has now been submitted for examination. Although the emerging plan is at an advanced stage, it carries no statutory force and I therefore afford the emerging plan and any conflict with the identified policies limited weight in consideration of this appeal.

Main Issue

5. The main issue is whether the proposed development would provide a suitable and accessible location for housing.

Reasons

6. The appeal site is situated to the west of School Road, to the south of dwellings within Westview with open fields to the west and south-west. The main part of the site is setback from School Road itself, predominantly laid to grass with an access track connecting the site with School Road and running centrally through the site.
7. The adopted development plan for the area comprises the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017 (JCS) as well as the saved policies of the Tewkesbury Borough Local Plan to 2011 (adopted 2006). Policy SD10 of the JCS relates to residential development. The Council highlight that the development would fall outside of the settlement boundary for Apperley and this is not disputed by the appellant. However, there is debate between the parties as to whether the site relates to infill development and its relationship with existing built form as required by Criterion 4 (ii) of Policy SD10 of the JCS. The subtext of this policy indicates that infill development means the development of an under-developed plot well-related to existing built form. On the evidence before me the proposal does not meet the other criteria of this policy.
8. I acknowledge that the site lies adjacent to the rear boundaries of dwellings in Westview and in part adjacent to the garden of The Newtons, although to my mind there is a marked change in character beyond the southern boundary of Westview. Dwellings within the neighbouring cul-de-sac of Westview predominantly face inwards, with rear gardens adjoining the appeal site. Dwellings beyond Westview fronting onto School Road have a strong street frontage, whereas the appeal site is set back significantly further than existing dwellings to the south in a slightly elevated position. Although there are buildings falling behind properties fronting School Road these are generally agricultural and utilitarian in their form and materially different to the appeal proposal contributing to the transition with the surrounding countryside. Whilst I note the proximity to neighbouring development, for the above reasons I consider that the site adjoins the built-up area rather than lying within it and is more closely related with the countryside rather than existing development.
9. Although I acknowledge that this is a permission in principle application, where technical details are to be agreed at a later stage, the proposal would nonetheless introduce built form on undeveloped land, outside of a settlement boundary that owing to its location would relate poorly with existing pattern of built form and to my mind would cause significant harm. To my mind, in principle, the appeal proposal would not represent a logical form of extension to the existing settlement pattern or infill. For these reasons I find conflict with criterion 4 of Policy SD10 of the JCS.
10. The appellant has also provided details of nearby approvals granted for permissions in principle by the Council and also one granted at appeal (APP/G/1630/W/19/3238070). Although some detail has been provided, having assessed the examples provided, the context, position and relationship with surrounding development of these sites are materially different from the appeal site. I also acknowledge that equestrian use including the construction of a manege benefits from an extant consent, although I am not persuaded that the potential impact of this and that of the appeal proposal are directly comparable. In any event, I have determined the appeal proposal on its

individual merits and do not consider that the examples provided alter my view with regard to the impact of the appeal proposal.

11. For the collective reasons above, I conclude that the proposal would not accord with Policy SD10 of the JCS that, amongst other things, requires that housing development on other sites, including those not allocated for development or previously developed land within settlement boundaries, will constitute infill development to be well-related to existing built form.
12. The reason for refusal and officer report also refer to conflict with Policy SD6 of the JCS although on the evidence before me this relates to green belt. Following confirmation from the Council the site does not fall within the green belt and as such I do not find conflict with this policy.

Other Matters

13. The appellants have sought to justify the proposal on the basis that it would provide a home for their daughter. Whilst this is noted, I consider that this does not provide justification for the proposal that outweighs the identified conflict with regard to the main issue.

Planning Balance and Conclusion

14. It has also been drawn to my attention that the Council is unable to demonstrate a five-year supply of land for housing development. It follows by virtue of footnote 7 to paragraph 11 of the Framework that the tilted balance applies. For the reasons detailed above, I have found that the appeal development would be at odds with relevant policy owing to its location and relationship with existing built form. This has led to conflict with development plan policies as detailed previously, particularly Policy SD10. I consider that this policy constitutes the most important policy as referred to by paragraph 11(d) of the Framework. I further consider that this policy is generally consistent with the Framework, and as such is not out of date for the purposes of paragraph 11. It follows that the conflict with it carries significant weight.
15. Against the harm and conflict with the development plan outlined above has to be balanced the benefits of the proposal. These would be in the form of one new dwelling that would add to the Council's five year supply and be a positive factor in terms of the social limb of sustainability. There would also be benefits in terms of the economy, through construction and after occupation of the dwelling.
16. However, when assessed against the policies in the Framework taken as a whole, the adverse effects of the development would significantly and demonstrably outweigh the benefits. Therefore, the proposal would not be a sustainable form of development.

Conclusion

17. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Robert Lankshear

INSPECTOR