



Appeal Decision

Site visit made on 1 September 2020

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 1 October 2020

Appeal Ref: APP/B1605/W/20/3252880

Land adjacent to The Vatch, Farm Lane, Leckhampton, Cheltenham, GL53 0NS

- 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 Mr & Mrs J Winson and Mr & Mrs J Lawrence against the decision of Cheltenham Borough Council.
 - The application Ref 19/00471/FUL, dated 7 March 2019, was refused by notice dated 22 April 2020
 - The development proposed is erection of two self-build dwellings and associated works.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. A new Cheltenham Plan (2011-2031)('LP') was adopted on 20 July 2020, since the refusal of planning permission in April 2020. I have therefore relied upon the updated policies in the new local plan in coming to a decision.

Main issues

3. The appeal site is located within an area of Local Green Space (LGS). Accordingly, the main issues are:
 - Whether or not the proposal would cause harm to the LGS having regard to the Framework and local development plan policies;
 - Whether or not the harm would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

4. The appeal site is a rectangular parcel of open land surrounded by hedgerows, which until recently was used to raise pigs. A public right of way (PROW) runs along the southern boundary of the site and provides access to the wider LGS. This side of Farm Lane is characterised by open, agricultural fields and views of the hills. Development along the lane is sporadic, and comprises a small number of large, detached houses in substantial plots.
5. The land behind the appeal site is currently open fields, however permission was granted in July 2020 to develop a secondary school at this location, which

when built will enclose the appeal site on nearly two sides. Land on the opposite side of Farm Lane to the appeal site is currently being developed as a large housing estate.

Whether or not the proposal would cause harm to the LGS

6. The site was designated as a Local Green Space in the 2020 LP. The land has therefore been recently demonstrated to meet the requirements of an LGS designation, as defined in paragraph 100 of the National Planning Policy Framework (2019). Policy GI1 of the LP states that development will not be permitted unless there are very special circumstances that outweigh the harm to the LGS.
7. Policy GI1 of the LP requires me to pay special attention to the views of the community. Numerous objectors, including the Parish Council and the CPRE have expressed strong opposition to the proposal, referring to the history of the site, its visibility, accessibility and position as an entrance to walks in the wider LGS. Although the PROW would remain, I observed at the site visit that development of this tract of land would mean that the LGS would lose its only visual and spatial connection with Farm Lane, which forms an important approach to the area. I accept that the site itself is inaccessible to the public, but I consider that enclosing the adjacent footpath with development would cause harm to the beauty and recreational value of the LGS.
8. Both parties have interpreted paragraph 101 of the Framework's requirement for consistency in management of LGSs with Green Belt policies as requiring application of paragraph 145 of the Framework, and I have no reason to take a different view. Paragraph 101 states that construction of any new buildings is inappropriate unless under the exceptional circumstances listed in the paragraph. None of these would apply at the site, with the possible exception of provision for limited infilling in villages allowed by Paragraph 145(e). The appeal site is located on a country lane beyond the edge of the continuously developed area and therefore I do not consider this to be a village location.
9. I have noted that the permitted secondary school would erode the agricultural gap towards the suburban area and partly surround the appeal site. Should this proceed, the site could be more justifiably described as a village location. However, although the site would undoubtedly appear more enclosed, given the large size of the plot and by virtue of the land to the south remaining largely open, I do not consider that there would be a gap in the frontage of the line of development, such that the proposal would constitute infill.
10. There are strong objections from the community to the proposal and I concur that there would be considerable harm to community enjoyment of the LGS from the development. I do not find that any of the exceptions in paragraph 145 of the Framework apply in this case and harm would therefore also be caused by virtue of development being inappropriate at this location.

Other considerations

11. Based on information provided by the appellant, which has not been challenged by the Council, Cheltenham Borough Council has a significant shortfall in plots to meet the demand for self-build housing. The proposal meets the definition of 'self-build' as described in the Framework and, given the shortfall of these schemes locally, I give weight to the benefit from this. However, it has not

been demonstrated that the development needs to be located in the LGS or if it would be infeasible to find a suitable site elsewhere. On this basis, I give the benefit from contribution to the self-build housing supply moderate weight.

12. I have noted the argument that special circumstances are brought about by the lack of any other policy conflict, but lack of harm from other aspects of the development does not in itself constitute special circumstances.
13. Other considerations do not clearly outweigh the considerable harm to the LGS and the very special circumstances necessary to justify the development do therefore not exist. On this basis I conclude that the development conflicts with the requirements of Policy GI1.

Planning balance

14. Cheltenham Borough Council are only able to demonstrate a 3.7-year supply of deliverable housing sites. However, paragraph 11(d)(i) of the Framework disengages the 'tilted balance' where the policies in the Framework that protect areas of particular importance provide a clear reason for refusal, one of which is harm to Local Green Space.
15. The benefits of the scheme are that it would provide two additional self-build houses, although the benefit of this is tempered by the small scale of the development. I also consider the quality of the design of the houses and accessibility to local services to be beneficial.
16. However, these benefits would not be sufficient to overcome the clear reasons for refusal provided through considerable harm to the Local Green Space from development at the appeal site.

Conclusions

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

B Davies

INSPECTOR