The Planning Inspectorate

Appeal Decision

Site visit made on 19 November 2020

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 14 December 2020

Appeal Ref: APP/G1630/W/20/3257211
Land at Pirton Lane, Churchdown, Gloucester, GL3 2LA

- 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 Paul Holford against the decision of Tewkesbury Borough Council.
- The application Ref 20/00344/PIP, dated 4 April 2020, was refused by notice dated 28 July 2020.
- The development proposed is the residential development of the site comprising the erection of between 1 and 2 dwellings.

Decision

1. The appeal is dismissed.

Main issues

2. The scope of permission in principle is limited to location, land use and amount of development. In this case, the application form expresses the range as a minimum of one dwelling and a maximum of two dwellings. The Council is satisfied that it would be possible to accommodate between one and two dwellings on the site. I do not disagree and to this extent the 'amount' of development is acceptable.

3. The appeal site is located in the Gloucester and Cheltenham Green Belt. Accordingly, the main issues are:

   - whether or not the proposal would be inappropriate development in the Green Belt as defined by the National Planning Policy Framework and local development plan policies;
   - the effect of the proposal on the openness of the Green Belt;
   - whether or not the appeal site is in a suitable location for new residential development, having regard to local spatial policies;
   - whether or not the character of the Special Landscape Area would be protected or enhanced; and,
   - if the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether the proposal would be inappropriate development

4. Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (adopted December 2017) (the 'JCS') states that the Green Belt must be protected from harmful development by adhering to the requirements of the National Planning Policy Framework (2019) (the 'Framework'). Paragraph 145 of the Framework requires that construction of new buildings should be regarded as inappropriate development in the Green Belt subject to a number of exceptions, one of which is 'limited infilling in villages'. The terms 'limited' and 'infilling' are not defined in the Framework and a degree of judgment is therefore necessary.

5. The site is surrounded on three sides by residential development, which forms part of the village of Churchdown. However, the appeal site is large and neighbouring plots to the sides have extensive gardens, meaning that there is not a limited gap to fill, and the proposal would not consolidate built-up development, both of which I consider to be integral to the definition of infill. In addition, the proposed houses would be behind the building line associated with the curve in Green Lane and The Green, and this configuration means that the site is both behind and adjacent to the village, rather than 'in' the village.

6. The appellant has drawn my attention to recent 'infill' development immediately adjacent to the site. Of the three surrounding developments brought to my attention, two are in back gardens and are therefore within the village, and one is a replacement dwelling. In addition, these sites are not in the Green Belt. On this basis, I do not consider that they provide a precedent for the current proposal.

7. The appellant has also drawn my attention to another appeal in the Green Belt[1]. In that case, the Inspector concluded that a larger site at the edge of the built up area, also bound on three sides by development, was within the envelope of the village. From the plans provided, the appeal site appears to be behind the established building line for the village and, for this reason, it relates better to the existing built environment that the current proposal. In any event, I have determined this appeal on its individual planning merits.

8. For the reasons above, I conclude that the site is not in the village and does not comprise infill. The proposal would therefore be inappropriate development in the Green Belt and to this extent it would therefore not accord with Policy SD5 of the JCS and the Framework.

The effect on openness

9. The appeal site is part of a large, open field containing a Public Right of Way which I observed was a well-used approach to local walks and Chosen Hill. The proposal would introduce between one and two new houses with associated garages, gardens and domestic paraphernalia. This would establish development on an otherwise undeveloped site and, given the location of the site on the edge of the village, this would encroach on the open character of the Green Belt. The proposal would cause a reduction in openness in spatial terms, in a highly visible location.

[1] APP/R0600/W/17/3170279 (14 July 2017)

10. The development would therefore permanently reduce the essential openness of the Green Belt. To this extent, I conclude that the proposal would therefore not accord with Policy SD5 of the JCS and the Framework..

Location

11. Policy SD10 of the JCS allows development for housing on allocated sites and on previously developed land, neither of which applies in this case. It also allows for infilling in villages and, for the purposes of this policy, defines infill as the development of an under-developed plot well related to existing built development. For the reasons above, I do not consider the site to be in the village, nor well related to existing built development, and this exception does therefore not apply.

12. I note that the site is outside the proposed boundary for Churchdown in the Housing Maps of the emerging Pre-Submission Tewkesbury Plan 2019 ('Emerging Plan'), which was submitted for examination in May 2020. I do not have information regarding the status of relevant Policy RE3 before me and I therefore afford the proposal's conflict with this emerging policy limited weight in the overall planning balance as a material planning consideration.

13. I therefore conclude that the appeal site is not a suitable location for residential development according to the criteria in Policy SD10 of the JCS. In addition, there would be conflict with Policy RE3 of the Emerging Plan, although I afford such conflict only limited weight.

Special Landscape Area

14. I note the appellant's argument that this is not an issue that should be considered at the permission in principle stage because mitigation of any harm through detailed design cannot be assessed. However, if the location of houses is in principle harmful to the character of the SLA, and this harm is potentially insurmountable, I consider it appropriate to consider the matter at this stage.

15. The appeal site sits on the lower slopes of Chosen Hill, described in the Churchdown and Innsworth Neighbourhood Plan (2018 – 2031) (the 'NP') as a prominent visual landmark of ecological, historical and recreational importance. As you approach the hill via the footpath, the appeal site is immediately above. The lower slopes are dominated by improved pastures and farmland and, by virtue of being undeveloped land in a prominent location, the appeal site makes a positive contribution to the distinctive character of the landscape. I consider the view from the footpath at this point to be particularly important because it frames the entrance of the walk as you leave the village.

16. Adding between one and two houses and domestic paraphernalia in a highly prominent location, beyond the existing development would be harmful to the quality of the natural environment, the character of the landscape and its visual attractiveness, in conflict with Policies SD6 of the JCS and LND2 of the Tewkesbury Borough Local Plan to 2011 (adopted 2006). The proposal would also have a negative effect on one of the critical views to and from the hill, as defined by Policy CHIN13 of the NP. I consider that the loss of the quality of the natural environment and harm to the character of the area would be introduction of housing at this location, regardless of the design.

17. I have reviewed the requirements of Policy LAN1 of the Emerging Plan as a material planning consideration. In its current form, proposals will only be

permitted where the benefits from the development would clearly and demonstrably outweigh the harm to the SLA. The appellant has raised concerns that it is not possible to undertake this balance in the absence of technical details. However, in the circumstances of this case, I consider it possible to assess the public benefits of the scheme to a degree sufficient to undertake the balance. I consider that there would be benefits to housing supply and from contribution of two households to the local economy and community. Even allowing for the increased weight that must be given to housing in light of the shortfall in the local 5 year housing supply, I do not consider that this would clearly and demonstrably outweigh the potential harm to the character of the SLA.

18. I conclude that there would be significant harm to the SLA from development of housing at this location, in conflict with Policy SD6 JCS, LND2 of the LP and CHIN13 of the NP. I do not find that the benefits would clearly outweigh the harm, as required by Policy LAN1 of the emerging plan. I do not consider that the harm identified from the presence of 1 to 2 houses at this location could be overcome at the technical details consent stage.

Other considerations

19. The Council cannot demonstrate a five-year supply of deliverable housing sites; it has confirmed that this is 4.35 years. Even if it was as low as the appellant suggests, the site is exempt from application of the tilted balance in Paragraph 11 of the Framework because the Green Belt is a protected area listed in Paragraph 11d(i). Nonetheless, the proposal would make a positive contribution towards the supply of housing in the area although the contribution to the undersupply position would not be a very significant one.

20. There would be some economic benefits from both construction of the dwelling and its occupation in terms of supporting local services and facilities, although these would not be significant benefits given the low number of proposed dwellings.

21. Both parties agree that development is beneficial in ensuring that communities remain strong, healthy and vibrant. Again, these benefits would be modest from a small development of between one and two dwellings.

Other matters

22. Other interested parties have raised concerns regarding highway safety and ecology, but the Council is satisfied that these are not insurmountable in the circumstances of this case. Consideration of these factors is therefore beyond the scope of the 'permission in principle' process and they would be considered at a later technical details consent stage.

23. The appellant refers to the development as a 'windfall' site. There is undoubted value in windfall sites coming forward to increase the housing supply locally. However, these need to be in appropriate locations for housing development which, for all the reasons above, this site would not be.

Planning balance and conclusion

24. The development would constitute inappropriate development in the Green Belt and would have a significantly harmful impact on its openness, in conflict with the requirements of the Framework and Policy SD5 of the JCS. I afford this

harm substantial weight. I have also found that the location of the site would not be suitable for residential development having regard to Policy SD10 and there would be harm to the character of the SLA, in conflict with local policies and the NP. I have also found conflict with the Emerging Plan policies but afford this limited weight.

25. I conclude that the harm to the Green Belt by way of inappropriateness and the other identified harm, would not be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposed development. For these reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

B Davies

INSPECTOR