
Appeal Decision

Site visit made on 30 November 2020

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 January 2021

Appeal Ref: APP/G1630/W/20/3257703

Land adjacent to Thrift House, Ashleigh Lane, Cleeve Hill, Gloucestershire GL52 3QF

- 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 Bart Homes against the decision of Tewkesbury Borough Council.
 - The application Ref 20/00297/FUL, dated 25 March 2020, was refused by notice dated 11 August 2020.
 - The development proposed is the erection of two dwellings, access improvements and associated works.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (1) whether this is a suitable location for two dwellings given local policy and its strategy for the location of new residential development; and (2) the effect of the development on the Cotswold Area of Outstanding Natural Beauty (AONB).

Reasons

Location of Development

3. The site is a mostly undeveloped and open paddock/field set adjacent to the B4632 and Ashleigh Lane. There are also neighbouring dwellings to the sides/rear of the plot. There is a fence to the front of the site with the B4632, with the land rising towards the east. This is a rural area, although there are multiple dwellings near the site. The appellant states that the proposed development is an infill scheme within the settlement of Cleeve Hill, although this is contested by the Council.
4. Cleeve Hill settlement is not listed as either a Rural Service Centre or a Service Village under policy SP2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS). Policy SP2 states that '*In the remainder of the rural area, Policy SD10 will apply to proposals for residential development*'. Therefore, policy SD10 of the JCS is of particular importance. With policy SD10, it states that outside of the main settlements and services villages residential development will only be permitted in certain circumstances.
5. One such circumstance is the following:

'It is infilling within the existing built up areas of the City of Gloucester, the Principal Urban area of Cheltenham or Tewkesbury's towns and villages except where otherwise restricted by policies within district plans'.

6. The appellant states that the site is within the Tewkesbury District village of Cleeve Hill and that it represents infill development, thereby being in accordance with this policy.
7. With regards being a form of infill development, this is a corner plot which is adjacent to two other dwellings. Although there is a boundary to the site towards the rear with other fields/open countryside, I would regard the site as infill in the context of policy SD10.
8. The question therefore remains whether the site is in a village. As described above, the plot is towards the lower sections of Cleeve Hill, whereas I would describe the village of Cleeve Hill as being the cluster around Post Office Lane and Stockwell Lane. To my mind, this is the village of Cleeve Hill.
9. Therefore, whilst I am satisfied that the settlement of Cleeve Hill is a village, I am not of the opinion that the village envelope extends a significant distance down the B4632 towards Southam. Indeed, whilst the appellant states that the plot is within the village of Cleeve Hill, it appears closer to the village core at Southam. Though again, I would consider the site not to be within the village envelope of Southam. I would agree that the line of dwellings along the B4632 in the vicinity of the site does have a linear built form, but this does not necessarily mean that the site is within what could be considered the envelope of a village.
10. When viewed on the ground, I am of the opinion that the plot is set within a line of dwellings to the southern/eastern side of the B4632 which are actually between the villages of Southam and Cleeve Hill, rather than being within either settlement. This conclusion is also reinforced by the generally open land opposite this line of dwellings and also the gaps in development (which includes the site itself) which gives this section of the B4632 a more rural character.
11. There have been two recent appeal decisions which have been brought to my attention. Firstly, the allowed appeal for a dwelling at Land at the Coach House on Post Office Lane (ref: APP/G1630/W/17/3184561). Although similar areas of dispute were considered with this previous appeal the key difference is that the site is within what I would consider to be the core of Cleeve Hill and within the village envelope.
12. The other previous appeal (ref: APP/G1630/W/20/3247018) is closer to the core of Cleeve Hill village, but further up the hill. In this previous appeal the Inspector concluded that the site was *"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."* Similarly, with this appeal the site adjacent to Ashleigh Lane is also visually and physically separate from the more concentrated development around Stockwell Lane and Post Office Lane and is within an area where there is more fragmented development.
13. As such, it is my conclusion that the proposed development would constitute infilling but would not fall within an existing built-up area of a town or village. The proposal would not fall within the relevant exception to housing in rural

areas as set out by policy SD10. The proposal would also not fall within any of the other categories set out within JCS Policy SD10.

14. In supporting paragraph 4.10.5 to policy SD10 it explains that outside of towns and service villages there is generally insufficient facilities to support development so they can be considered sustainable settlements for residential developments.
15. In this case the site is not isolated, though it does appear remote from shops, schools, services and most typical day-to-day facilities, either in Southam or Cleeve Hill. There is a public house, church and golf club in or near Cleeve Hill, but these are all further up the steep B4632 highway. It also appears, from my observations, that there is little in the way of services or facilities in Southam. There are bus stops, such as those at Southam, but from the information I have the service is not particularly frequent.
16. As such, there appears to be little in the area of the site which is accessible for future occupants to get to without use of private vehicles, which would go against the aims of SD10 and the reasons for its criteria and exceptions listed. It would also be contrary to the National Planning Policy Framework's (the Framework's) aims of minimising the need to travel and supporting the transition to a low carbon future.
17. Therefore, in conclusion, the location of the site is a rural location which is not suitable for new residential development. As such, the proposal conflicts with Policies SP2 and SD10 of the JCS which seek to direct the distribution of new housing development, avoiding locations where there are insufficient facilities to be considered sustainable development, and also in the interests of promoting sustainable transport, amongst other things. However, the Council cannot currently demonstrate a sufficient housing land supply and so these policies relating to housing would be out-of-date and carry diminished weight. I shall come back to this issue with the later 'Planning Balance'.

Character and Appearance - Cotswold Area of Outstanding Natural Beauty (AONB)

18. As the site is within the Cotswolds AONB then policy SD7 of the JCS is relevant. This policy states that all proposals within the AONB are required to "*conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities*". Furthermore, the Framework (paragraph 172) also requires that conserving and enhancing landscape and scenic beauty in AONBs should be given great weight. The Cotswold AONB Management Plan 2018-2023 also provides more information on the qualities of this AONB, requiring that development should have regard to the scenic quality of the location and its setting and ensure that views into and out of the AONB are conserved and enhanced (policy CE1), amongst other things.
19. The appellant has submitted a Landscape and Visual Impact Assessment (LVIA) to consider this aspect of the proposal. In terms of landscape impacts, the LVIA notes the loss of some openness, though finds that the proposed dwellings would be characteristic of the local area. The LVIA also states that after mitigation is established the replacement of the front boundary fence with landscaping the impact could be slightly beneficial. Overall, the LVIA concludes that the proposal would result in limited landscape and visual effects and would conserve the Cotswold AONB.

20. Indeed, the proposed dwellings would not appear out of character in terms of a residential development on this side of the B4632. However, this site is an area of mainly open land which does provide a pleasing gap in the built development along the B4632 between dwellings. This section of the B4632 is not continuously built up on all sides, which adds to the rural character of the site surroundings. The site and other similar patches of undeveloped land near the site do provide visual relief from the built development. Even with the proposed dwellings design to respond to the topography of the site, there would still be a significant loss of the existing openness this largely undeveloped plot provides.
21. The site also allows for views from the B4632 across the site up towards the side of Cleeve Hill. This view, in my opinion, is positive in that it helps to appreciate the wider landscape especially for those traveling along the B4632. Indeed, the LVIA state that prior to mitigation being established the loss of openness for the site would be 'moderate adverse'. However, the likely consequence of the proposed landscaping mitigation together with the new dwellings would be to visual close off the site to some extent for views through to the landscape beyond, which is currently a positive aspect that would be significantly lost. Furthermore, whilst views of the site from those in vehicles along the B4632 would be transient, I noted people walking the footpath along this highway when on site who would be able to have a fuller appreciation of the largely undeveloped site and the views through it towards Cleeve Hill and the Cotswold landscape.
22. The replacement of the front boundary fence and enhanced landscaping would have some beneficial effects, though it is my conclusion that the loss of openness in this particular location would not be fully outweighed by the eventual matured landscaping proposed. I recognise that the appellant has suggested a landscaping condition and also one for a 'Landscaping and Ecological Management Plan', which would help with safeguarding the landscaping and ecological benefits for the long term, but this would not sufficiently mitigate the adverse effects, including the loss of site openness and the obscuring of views through the site.
23. I note that the Cotswold AONB Management Plan includes mention of the adverse effect that 'privacy belts' around properties have on views that people have of the wider landscape character, particularly from roads. Whilst not proposed as a privacy belt, the landscaping as part of the visual mitigation would have the similar effect of eroding views from the road through to the landscape beyond the site.
24. It is my conclusion therefore that, whilst this would be limited to two dwellings adjacent to other houses, the proposal would not conserve the AONB special qualities and the development would therefore be contrary to policies SD6 and SD7 of the Joint Core Strategy, which seek to require development to preserve and enhance the AONB, amongst other things. Furthermore, the proposal is contrary to the Frameworks aim of conserving and enhancing landscape and scenic beauty in AONBs.
25. The proposal is also contrary to the aims and objectives of the Cotswold AONB Management Plan 2018-2023 which requires that development 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 (Policy CE1).

Planning Balance

26. There is no dispute that the Council cannot demonstrate a sufficient supply of housing land supply sites. In such circumstances, paragraph 11 d) of the Framework states that planning permission should be granted, unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. As detailed within footnote 6, these areas and assets of particular importance include designated AONBs. As I have found that the proposal would fail to preserve the qualities of the AONB, the application of policies in the Framework provide a clear reason for refusing the proposal in this particular instance. The presumption in favour of sustainable development anticipated in paragraph 11 of the Framework is therefore not engaged.
27. There are though benefits that have been taken into consideration, such as the development of two new dwellings towards local housing supply, where there is a shortfall. Occupants of the dwellings could help socially and economically support nearby villages. There is also the landscaping proposed and improvements to the adjacent junction, which would have some benefits. However, as only two dwellings are proposed the benefits would be limited.
28. Overall, even if the tilted balance was engaged the harm I have identified in the inappropriate location for the proposed dwellings and the harm to the AONB would significantly and demonstrably outweigh the benefits.

Conclusion

29. For the reasons given above and in considering all matters raised the appeal should be dismissed.

Steven Rennie

INSPECTOR