



Appeal Decision

Site visit made on 26 January 2021

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 5 March 2021

Appeal Ref: APP/G1630/W/20/3260965

Ireley Grounds, Broadway Road, Winchcombe, Cheltenham, GL54 5NY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr and Mrs David Galpin against Tewkesbury Borough Council.
 - The application Ref 20/00029/FUL, is dated 24 December 2019.
 - The development proposed is the erection of 3 no. 1 bed cottages to mirror the existing converted stables to the north of the access drive, sub-division of Ireley Grounds to two dwellings and demolition of outbuildings and removal of tennis court and erection of 4 no. detached dwellings.
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Decision

1. Planning permission is refused and the appeal is dismissed.

Main issues

2. The Council has provided the reasons on which it would have based its refusal had it determined the applications within the statutory period. Based on these and the evidence before me, I consider the main issues to be:
 - whether or not the site is suitable for open market residential development with regard to local and national policies;
 - the effect on the character and appearance of the Special Landscape Area and Area of Outstanding Natural Beauty;
 - the effect on highway safety;
 - accessibility and provision of alternative forms of transport.

Reasons

3. The host house is a substantial detached property set in extensive, landscaped grounds. It is surrounded by fields, and the Gloucestershire and Worcestershire heritage railway line runs along an embankment to the rear. Stables at the entrance to the site have previously been converted into 3 holiday cottages. A tennis court and a number of outbuildings, including a garage and stables, are located in the grounds and would be demolished as part of the development.
4. The proposal would introduce 3 units in a new 'stables' style building on the opposite side of the entrance and 4 detached dwellings around the host house, which itself would be divided into 2 units.

Location

5. The site is not allocated for housing in Policy SP2 of the Gloucester, Cheltenham and Tewkesbury Core Strategy 2011-2031 (adopted December 2017) (JCS). Development of housing outside of allocated areas is permitted according to the criteria in Policy SD10 of the JCS, none of which apply to the development. Policy 3.1 of the Winchcombe and Sudeley Neighbourhood Plan (2011 - 2031) (2017) (NDP) makes allowance for infill development and affordable housing, neither of which applies in this case.
6. Emerging policy RES3 of the Tewkesbury Borough Local Plan (2011 – 2031) (pre-submission version 2019) (TBP) allows sub-division of existing dwellings outside settlement boundaries. The emerging plan has been submitted to the Secretary of State for examination and therefore attracts moderate weight. There would therefore be some support for this element of the scheme from the emerging plan.
7. Emerging policy RES4 of the TBP allows 'very small-scale' residential development adjacent to the built-up area of rural settlements. 'Very small-scale' is not defined further, but I consider that this development could reasonably be regarded as such. The edge of the built-up area of Greet is separated by the length of at least 2 fields and the main road from the appeal site. It is therefore not adjacent, and the location would not relate well to existing buildings, as required by the policy. I therefore do not find support for new development at this location in the emerging policies.
8. The appellant suggests that the development would increase the range of housing types in a rural area, based on a Strategic Housing Market Assessment provided by the Council. Policy SD11 states that housing development will be required to provide an appropriate mix of dwelling sizes. However, this policy is applicable to locations which are deemed appropriate in principle for housing through policies SP2 and SD10, with which this site does not comply.
9. However, Tewkesbury Borough Council is unable to demonstrate a 5-year supply of deliverable housing sites. This means that the most important policies for determining the application are deemed to be out-of-date, including those relating to allocation of housing. It is therefore necessary for me to assess the proposal against the up to date national policies in the National Planning Policy Framework (2019) (Framework).
10. Paragraph 77 of the Framework states that decisions regarding housing in rural areas should respond to local circumstances and needs. The development would provide 8 additional dwellings, which would contribute towards a housing shortfall in the area. The housing would be in proximity to Greet and located where it could contribute to the community, albeit this would be to a modest extent. I do not consider that the site would be isolated or remote from other settlements, given its proximity to the village of Greet and town of Winchcombe and the restrictive policies associated with paragraph 79 do therefore not apply. Paragraph 121 of the Framework provides support for use of previously developed, unallocated land, where this would help to meet identified development needs, which the proposal would fulfil. I conclude that there is no conflict with the policies in the Framework regarding the proposed location.

11. There is support for sub-division of the main building in the emerging local plan, although this only attracts moderate weight given its stage of development. The site is not in a suitable location for open market residential development having regard to the criteria in policies SP2 and SD10 of the JCS, policy RES4 of the emerging TBP. However, these are deemed out of date, and I have not found that the location conflicts with the national policies contained within the Framework.

Character and appearance of the Special Landscape Area and AONB

12. The site is located in the National Character Area of 'Severn and Avon Vales' and the Unwooded Vale Landscape Type within the Teddington and Greet Landscape Area. Overall, the area is described as a sparsely settled agrarian landscape with rural villages, scattered farms and dwellings, and with trees in small copses and hedgerows. The site is in a Special Landscape Area (SLA), which provides the foreground to the adjacent Cotswolds Area of Outstanding Natural Beauty (AONB), which are highly sensitive to change.
13. Although in proximity to the edge of Winchcombe, the site is separated from the nearby business park on the outskirts by a field and remains a considerable distance from the main built-up area. It is also separated by at least 2 fields from the built-up area of Greet. I do not consider that it is influenced by the built form of the industrial units to the south and pottery to the west, which are both spatially and visually separated. In its openness and layout, the character of the appeal site most closely relates to the scattered farms and dwellings of the wider rural Teddington and Greet Vale landscape character area.
14. I acknowledge that the site is domesticised, but I do not consider that the extensive landscaped grounds and outbuildings read as suburban in character. The development, and in particular the detached houses, with their associated integrated garages, driveways and cul-de-sac arrangement, would be akin to a small housing estate. This would have a suburbanising effect and would lead to the encroachment of more intense development into the countryside, which would harm the character of the landscape.
15. The site itself is characterised by the large, detached house and the tranquillity and seclusion that can be found in the extensive landscaped grounds. It would experience a loss of openness from significant additional built form, in particular from 4 new detached dwellings, which would also diminish the standing of the main house. The intensification of domestic development would harm the site's open and semi-rural character, which contributes in a modest way to the wider landscape.
16. Views of the development would be largely screened from the public domain by the railway embankment and tree cover across the site and along the main road. Views would be distant from public rights of way and fleeting from the train, reduced further in the longer term by the proposed planting along the railway line. These factors would lessen the harm to the appearance of the area from the change in character. Nevertheless, the uncharacteristic development would be visible from the public domain and would intrude into the semi-rural landscape, albeit to a modest degree.
17. The dwellings have been designed to reflect the local vernacular using similar detailing and finishing materials to the main house, and although they would display contemporary elements, I do not find the proposals incongruent with

the existing character. However, this is not sufficient to overcome the harm to character and appearance identified above.

18. I note that Greet has developed along the same line as the railway, but I do not consider that the appeal site would represent a continuation of this linear settlement pattern, given the separation from the built-up core of Greet by several fields. I do not find that there is a strong linear pattern of development along the main road out of Winchcombe in this direction, and regardless, the site is separated from the built-up, residential area by some distance. For these reasons, I conclude that the proposal would not be a natural extension to an existing pattern of development.
19. The site is not within the AONB, but the duty to have regard to conserving and enhancing its natural beauty in Section 85 of the Countryside and Rights of Way Act (2000) (as amended) extends to consideration of the setting¹. Although intervisibility with the AONB is limited in short views by the high railway embankment, the intensification of residential development would be visible against the backdrop from distant footpaths. However, I accept that this change would be largely absorbed by the wider landscape, and I am content that the character of the AONB would be conserved. However, this is not sufficient to overcome the overall harm to the character of the surrounding landscape.
20. The proposal would result in the encroachment of suburban development into a valued landscape, in contrast to the openness of the site and semi-rural character of the surroundings. The proposal would therefore conflict with the requirements of Policy SD4 of the JCS, which requires that development should respect the character of the site and its surroundings. It would also conflict with Policy SD6 of the JCS, saved policy LND2 of LP and emerging policies in the TBP, which specifically protect landscape character.
21. The development would conflict with the requirement to protect and enhance valued landscapes in paragraph 170 of the Framework and paragraph 127, which requires that development is sympathetic to the landscape setting.

Highway safety

22. The site is accessed along a short 2-way lane off the main road via a formal junction at either end. There is no suggestion that the access from the site onto the lane is not safe. However, concerns have been raised regarding the safety of the junctions of the lane with the main road.
23. The main highway has a limit of 60 mph and I observed that the road was busy during the day. The 'island' between the 2 junctions is covered in trees and vegetation, which slightly interrupts the visibility splays. The view towards the railway bridge from the southern junction is also impeded by vegetation, interrupting the required visibility splay.
24. Appropriate visibility splays could be achieved if dense vegetation on the island and towards the railway bridge was removed. However, based on the information before me, the land in question is not in control of the appellant. The appellant has suggested that a condition or section 278 agreement under the Highways Act (1980) could be employed to secure the splays. However, I do not have any evidence that the highways authority would be amenable to

¹ Planning Practice Guidance Paragraph: 042 Reference ID: 8-042-20190721, revised 21 July 2019

this, or evidence that they have entered into discussions in this regard. I also do not consider that this would necessarily be a straightforward undertaking, given that on-going maintenance would be required, there have been local concerns about changes to the island and there may be ecological implications, albeit the latter appears unlikely to be insurmountable.

25. In addition, vehicles turning into either junction do not have a dedicated central lane on the highway and must therefore stop in the main road. I have read the accident reports and do not consider either of them directly relevant to the safety of users of the site. Nevertheless, the road configuration is not ideal, and I consider that an additional 8 households using the junctions would increase the risk of an accident. However, the test in policy is that the risk should not be unacceptable, and I have no evidence before me that this would be the case.
26. In the absence of a mechanism to clear the vegetation from visibility splays in perpetuity, I cannot conclude that the significant increase in vehicle trips from the site would not have an unacceptable impact on highway. On this basis, I conclude that the proposal is in conflict with INF1 of the JCS and Paragraph 109 of the Framework, which require safe connections to the transport network.

Accessibility and alternative forms of transport

27. The site is in easy walking or cycling distance of the town of Winchcombe. However, there is no dedicated footpath or cycle lane along the fast and busy main road and for this reason, the route would not be attractive to walk or cycle, particularly at night.
28. The nearby village of Greet is accessible from the road opposite the southern junction, just after which a dedicated footpath is available. Greet is served by a regular bus service approximately 270 m distance from the site, which allows access to Winchcombe and other nearby towns. Footpaths to Winchcombe are also accessible from Greet.
29. The appellant has offered to provide a footway from the site to link with the footpath network in Greet. Section 4.4 of the NDP states that a new right of way to link the business park with the pottery will be supported, with developer contributions where possible. Although I do not have evidence of positive discussions with the highway authority before me, I consider that the support of the NDP means that this element of the scheme attracts some weight. I have not pursued the lack of planning obligation in this regard because I am dismissing the appeal for other reasons.
30. However, to access Greet, the main road must be crossed below the junction to the south. I am mindful that traffic speeds of 60 mph are permissible along the road and a crossing point would need to take account of such speeds, in addition to considering the implications for visibility from the railway bridge, bend in the road and vegetation. No evidence to demonstrate that the crossing would be safe taking these factors into account is before me, and I am therefore unable to conclude that wider choices of transport can be safely accessed.
31. In the absence of evidence to demonstrate that the crossing would be safe, I am unable to confirm that the proposal would be consistent with Policies INF1

and SD4 of the JCS, which require that developers provide safe and accessible connections to enable genuine travel choice for residents. For the same reasons, the proposal does not meet the requirements of paragraph 108 of the Framework, which states that development should ensure that appropriate opportunities to promote sustainable transport modes can be taken up, and safe and suitable access to the site achieved for all users.

Other matters

32. The Grade II Listed 'Bottle Kiln' at Winchcombe Pottery is a short distance away towards Greet. No external changes at the site would be visible from the listed building, and there is no suggestion that there is any historical connection between them. The proposal would therefore preserve the setting of the listed building.

Planning balance

33. The presumption in favour of sustainable development in paragraph 11d) of the Framework is engaged. This means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework when taken as a whole.
34. There would be minor harm to the landscape, but as this is part of a valued SLA, this attracts moderate weight. In the absence of a mechanism to secure appropriate visibility splays I must conclude that there would be harm to highway safety, which is a reason to prevent development according to the Framework and therefore of considerable weight. The lack of evidence that a pedestrian crossing to Greet would be safe also means that I cannot confirm that a choice of transport mode is accessible, an adverse factor which I consider attracts significant weight.
35. The development would contribute 8 households to the housing supply, which would support the Government's objective of boosting the supply of homes in paragraph 59 of the Framework. The council has not disputed that the shortfall is approximately 4.3 years when the 5% buffer is applied, and I consider that contribution to this modest shortfall attracts moderate weight. The scheme would be built to high energy specification, and this attracts some positive weight with reference to paragraph 148 of the Framework.
36. I conclude that the adverse effects of granting permission would significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole. This is a material consideration of significant weight in the planning decision.
37. The proposal conflicts with the development plan when read as a whole, as well as the Framework. It would not amount to the delivery of a sustainable form of development and therefore the appeal is dismissed.

B Davies

INSPECTOR