



Appeal Decision

Hearing Held on 16 March 2021

Site visit made on 17 March 2021

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 March 2021

Appeal Ref: APP/G1630/W/20/3255200

Land Adjacent To Rosedale, Boddington Road, Staverton GL51 0TW

- 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 and Mrs Brown against the decision of Tewkesbury Borough Council.
 - The application Ref 19/00090/FUL, dated 24 January 2019, was refused by notice dated 27 March 2020.
 - The development proposed is construction of three new dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of three new dwellings at land adjacent to Rosedale, Boddington Road, Staverton GL51 0TW in accordance with the terms of the application, Ref 19/00090/FUL, dated 24 January 2019, subject to the conditions in the Schedule at the end of this decision.

Preliminary Matters

2. At the hearing, a completed unilateral undertaking pursuant to section 106 of the Town and Country Planning Act 1990 was submitted by the appellants (the UU). This includes planning obligations that require the proposed dwellings to be provided as affordable housing units as discounted homes for sale. The Council had previously seen the UU and raised no comment on its content at the hearing. The planning obligations do not change the substance of the proposal and so I am satisfied no injustice would be caused to any party by taking the UU into account.
3. I have been referred to policies in the emerging Tewkesbury Borough Plan (eTBP) which do not yet form part of the adopted development plan. I was advised at the hearing that the eTBP examination is currently taking place but no examiner's report has been issued. As such, I am uncertain whether the eTBP policies will be adopted in the version provided to me and so they attract limited weight.

Application for costs

4. At the Hearing an application for costs was made by Mr and Mrs Brown against Tewkesbury Borough Council. This is the subject of a separate Decision.

Main Issues

5. The Council confirmed at the hearing that the UU overcomes its fifth refusal reason and there are no grounds for me to arrive at a different view on this matter. As such, the main issues are:-
- whether the proposal would represent inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and development plan policies; and
 - whether the proposal would be in a suitable location having regard to development plan policies; and
 - the effect on the character and appearance of the area.

Reasons

Whether inappropriate development in the Green Belt

6. The appeal site lies in the Green Belt. Under the Framework, limited affordable housing for local community needs is classed as not inappropriate development in the Green Belt provided it would be permissible under development plan policies for rural exception sites. Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017 (JCS) is consistent with the Framework in these regards.
7. The provision of 3 dwellings would represent limited development. Also, the UU requires the houses to be provided in perpetuity for sale at a price no more than 75% of the open market value. This type of discounted market sale tenure falls within the Framework's definition of affordable housing. The planning obligations require the dwellings to be made available for sale to persons whose needs are not met by the market and in the first instance to those who have a local connection to Staverton Parish. For these reasons, the proposal would be for limited affordable housing aimed to address local needs.
8. JCS policy SD12 allows affordable housing on rural exception sites subject to various provisos. The proposal would be adjacent to and face existing houses and so would be on the edge of the built up area of Staverton village. Also, it would be of a small scale and so would be in keeping with the size of the settlement. The scheme would comply with JCS policy SD12 in these regards.
9. For rural exception site schemes to be permissible, JCS policy SD12 requires clear evidence of a local affordable housing need that cannot be met elsewhere. The policy includes no guidance on the type of evidence that is required or what constitutes a local affordable housing need. Policy RES6 of the eTBP includes more detailed guidance on these matters but it currently attracts limited weight as it may change prior to adoption.
10. The appellant has provided a report (the HNS report) that sets out the findings of a 2019 housing need survey of Staverton Parish. This explains that employees at 57 businesses in the parish were asked to complete a questionnaire if someone in their household intended to move within the next 5 years. Such a survey has the potential to attract responses from people who only work in and have no other connection to Staverton, particularly as the parish includes areas of employment development close to the M5 motorway. However, the survey questions allow an assessment of respondents' degree of

connection to the area as well as their locational requirements. As such, the survey methodology is appropriate for obtaining evidence on local affordable housing need.

11. Table A1 of the HNS report is particularly pertinent to the appeal as it provides information on respondents in need of affordable home ownership which would include discounted market sale units. Of the 9 households referred to in this table, 3 state they would prefer to live within Staverton while 1 additional respondent indicated within Staverton or Tewkesbury Borough as a whole. All of these 4 respondents say a household member works in Staverton Parish while 3 of the 4 also have other local connections such as they or a close relative currently or used to live in the parish.
12. Other households referred to in Table A1 expressed no particular preference to where wish to live apart from anywhere in Tewkesbury Borough. Such responses suggest units outside the parish could reasonably address their accommodation requirements. However, the information provided in respect of the 4 households with a specific preference for Staverton is more convincing as evidence of a local need, particularly as they all have a local connection. The size of the proposed units would generally be in line with the stated requirements of these 4 respondents as there is little difference in terms of overall floorspace between the proposed 2 bedroom and the 3 bedroom units. Therefore, I am satisfied the HNS report provides sufficient evidence of a local affordable housing need that is commensurate to the scale of the proposal.
13. The Council refer to large allocated housing sites at South Churchdown, Innsworth, Twigworth and north west of Cheltenham. However, these are outside Staverton Parish boundaries and so it is unclear whether affordable housing at these locations would address the requirements of those that want to live in Staverton. Also, unlike the appeal proposal, there is no indication that the affordable housing on the allocated sites would be prioritised to households with a local connection to Staverton Parish. For these reasons, it is much more likely that the appeal proposal would address the specific need for local affordable units identified in the HNS report compared to development on the allocated sites.
14. Furthermore, the affordable dwellings recently constructed at St Clair Cottages in the village are of a different tenure to the proposal and so would not help address any need for discounted sale units. No other locations have been suggested and so the evidence indicates that there is no realistic opportunity to address the identified local housing need apart from on the appeal site.
15. As such, I find the proposal would comply with JCS policy SD12 in respect of rural exception sites. Therefore, I conclude the scheme would fall within the definition as set out at paragraph 145 f) of the Framework and so it would not be inappropriate development in the Green Belt. Consequently, it would accord with JCS policy SD5.

Suitability of location

16. JCS policy SP2 sets out a distribution of development strategy and refers to JCS policy SD10. Amongst other things, this policy allows affordable housing on rural exception sites provided it is in accordance with JCS policy SD12. For the reasons set out in respect of the previous main issue, I have already found the appeal scheme would accord with JCS policy SD12 in respect of rural exception

sites. Therefore, I conclude that the development would also comply with JCS policies SP2 and SD10 and is in a suitable location having regard to development plan policies.

Character and appearance

17. Staverton is a small settlement consisting of houses and farm buildings interspersed with mature trees and hedgerows and with a countryside setting. These features give the area an attractive rural character. The site is vacant of buildings but includes trees and a mature hedgerow behind a grassed roadside verge. Its openness and vegetated nature contribute to the rurality of the area.
18. The development would be visible from the adjacent public right of way as well as from the road and nearby properties. From the footpath, the site is seen as part of the wider countryside rather than the built up area of the village. The proposal would diminish the site's contribution to the rural setting of Staverton through a marked erosion in visual openness and the loss of vegetation.
19. When seen from the road, the development would be partially screened by retained and proposed planting, although it would still lead to a clear loss of visual openness. However, the houses would be seen in the context of Rosedale and the dwellings opposite and would be of a design, scale and layout in keeping with these buildings. The proposed front wall would be similar in design to that in front of the nearby old school building and so it would be compatible to the street scene. The houses would be set off the side boundaries and so the scheme would not appear cramped or overdeveloped.
20. Nevertheless, while the proposal would be of an appropriate design, it would cause harm to the rural nature and appearance of the area. In this regard, it would not accord with JCS policy SD6 which, amongst other things, seeks to avoid harm to features that make a contribution to the setting of a settlement.

Other Issues

21. A number of other concerns have been raised. The proposed dwellings would be set back from the road and so would be a sufficient distance away from the houses opposite to avoid unacceptable overlooking. Subject to safeguarding measures and replacement planting, the proposal would preserve and not harm protected species and the natural interest of the site. There is no firm evidence to suggest the scheme would cause flooding.
22. Staverton village contains limited facilities and so future occupiers would be reliant to a large degree on the private car. However, places of employment and larger settlements would be within a short driving or realistic cycling distance. As such, future residents would have reasonable access to services given the proposal's rural location. There is no substantive evidence that show traffic movements or any roadside parking associated with the development would prejudice highway safety. Therefore, these and the other concerns raised do not affect my overall view on the appeal.

Planning balance

23. The Council claim it can show a 4.35 year supply of housing land. At the hearing, I was told of a recent appeal decision where an Inspector found a much lower supply could be demonstrated. In any event, it is accepted that a 5 year supply of housing land cannot be shown. In such circumstances and under

the terms of paragraph 11 of the Framework, the relevant development plan policies are deemed to be out-of-date. I have found the proposal would not be inappropriate development in the Green Belt and so there are no Framework policies that protect areas of particular importance that provide a clear reason for refusing the proposal. As such, it follows to consider the benefits of the scheme against its adverse impacts in light of the Framework's policies.

24. The proposal's contribution in terms of the number of new units would be modest. However, it would meet a particular need for affordable discounted sale units in Staverton Parish and so I attach moderate weight to the beneficial contribution to the housing stock. Also, the scheme would lead to construction jobs and support for local employment to which I attribute limited weight.
25. The identified harm to the character and appearance of the area would go against the Framework policy for decisions to recognise the intrinsic character and beauty of the countryside. However, the proposal would be sympathetic to the nearby built environment and would generally represent good design. As such, I attach only modest weight to the disadvantages of the scheme.
26. Overall, the adverse impacts of the development would not significantly and demonstrably outweigh its benefits when considered against the Framework. Consequently, the presumption in favour of sustainable development as set out at paragraph 11 of the Framework applies. In such circumstances, the Framework states planning permission should be granted.
27. The proposal would conflict with the JCS policy on landscape and so would not accord with the development plan when read as a whole. However, the Framework's presumption in favour of sustainable development is applicable and is of sufficient weight to indicate planning permission should be granted otherwise than in accordance with the development plan.

Conditions

28. I have considered the conditions suggested by the Council, having regard to the tests set out in the Framework. Where appropriate, I have amended the wording for precision reasons and to avoid unnecessary pre-commencement conditions.
29. I have attached a condition that lists the approved drawings for reasons of clarity and to ensure the development is carried out in accordance with the plans. A condition is imposed in relation to surface water drainage and its management so as to avoid flood risk. To ensure a satisfactory appearance and minimise harm to the rurality of the area, I attach a condition that requires approval and provision of hard and soft landscaping.
30. In the interests of highway safety, I have imposed conditions that require the provision of visibility splays, vehicular access and parking and turning areas. To encourage the use of environmentally friendly travel to and from the development, a condition is included that requires the approval and provision of facilities for charging plug-in and other low emission vehicles. A condition is imposed that requires the development to be carried out in accordance with the submitted ecological appraisal to protect the biodiversity interest of the site.
31. The drawings include sufficient information on the external materials to be used in the construction of the proposed buildings and their floor levels in relation to existing development. Therefore, conditions covering these issues

are unnecessary. Green Belt dwellings normally benefit from permitted development rights and no substantive reason has been provided to remove these rights as an exception to the general approach. As such, the suggested condition in this regard has not been clearly justified and is not imposed.

Conclusion

32. For the reasons given above, I conclude that the appeal should be allowed.

Jonathan Edwards

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Ben Read	Planning Consultant
Mrs Brown	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Paul Instone	Planning Consultant
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LIST OF DOCUMENTS SUBMITTED AT THE HEARING:

1. Unilateral Undertaking Pursuant to section 106 of the Town and Country Planning Act 1990, dated 16 March 2021.

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 5941/P/10 Rev D, 5941/P/20, 5941/P/80 Rev D, 5941/P/300 Rev A, 5941/P/600 Rev B and 5330/P/1001 Rev A.
- 3) No development other than the excavation of foundation trenches shall commence on site until details of a surface water drainage system, a timetable for its implementation and a drainage maintenance and management strategy has been submitted to and approved in writing by the local planning authority. The details must demonstrate the technical feasibility of the drainage system to manage flood risk to the site and elsewhere and measures to manage water quality. The approved drainage scheme shall be fully implemented in accordance with the approved timetable and maintained and managed in accordance with the approved details.

- 4) No development above damp roof course level shall take place until a scheme of hard and soft landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include details of fencing, walls and hard surfacing materials, details of existing trees and hedgerows to be retained and measures to protect these during construction works as well as proposed planting.

All planting, seeding or turfing in the approved landscaping scheme shall be carried out in the first planting season following the first occupation of the development hereby approved. Any trees or plants which within five years from the completion of the development that die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 5) The development hereby permitted shall not be first occupied until visibility splays have been provided that extend from a point 2.4 m back along the centre of the vehicular access measured from the public road carriageway edge (the X point) to points on the nearside road kerb in both directions to either side and 54 m from the X point (the Y points). The area in those splays shall be cleared of visual obstruction and thereafter maintained so as to provide clear visibility between 1.05 m and 2 m above ground level at the X point and between 0.6 m and 2 m above the adjacent carriageway at the Y points.
- 6) The development hereby permitted shall not be first occupied until vehicular parking and turning facilities have been provided in accordance with the details on the approved plans and those facilities shall be retained for those purposes thereafter.
- 7) The development hereby permitted shall not be first occupied until the vehicular access as shown on the approved plans has been constructed with the area of the driveway at least 5 m from the carriageway edge of the public road surfaced in bound material. The access shall thereafter be retained.
- 8) The development hereby permitted shall not be first occupied until details of facilities for charging plug-in and other ultra-low emission vehicles to be incorporated as part of the development have been submitted to and approved in writing by the local planning authority. The approved facilities shall be provided prior to the first occupation of the permitted dwellings and shall thereafter be retained.
- 9) The development hereby approved shall be carried out in accordance with the contents of the Evaluation and Conclusions section of the Preliminary Ecological Appraisal Ref C382 prepared by Cotswold Ecology dated November 2018.