
Appeal Decision

Site visit made on 16 March 2021

by J P Longmuir BA (Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 April 2021

Appeal Ref: APP/F1610/W/20/3262431

Land south of Huxley Court, Huxley Court, South Cerney, Gloucestershire

- 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 Colburn Homes Ltd against the decision of Cotswold District Council.
 - The application Ref 19/04420/FUL, dated 28 November 2019, was refused by notice dated 19 October 2020.
 - The development proposed is the construction of two dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of two dwellings at land south of Huxley Court, Huxley Court, South Cerney, Gloucestershire in accordance with the terms of the application, Ref 19/04420/FUL, dated 28 November 2019, subject to the conditions in the Conditions Annexe at the end of this decision.

Main Issue

2. The main issue is the location of the site in relation to facilities and services and whether the occupants would be dependent upon private transport.

Reasons

3. South Cerney is an extensive village which extends over a large area in all directions. The village has an extensive range of everyday facilities including a range of shops, various food outlets, pubs; all of which generally are in the geographical centre, at the end of the High Street.
4. The village has some employment on business parks and the Local Plan identifies it as a principal settlement. There are bus services to Swindon and Cirencester.
5. The site is adjacent to a large residential development which is partly occupied and partly under construction.
6. Huxley Court is a tarmacked road, with lighting. Being a cul-de-sac vehicle speeds will be low, and a pedestrian pavement originates close to the site. Huxley Court joins Station Road which links with the High St. Station Road has footpaths on both sides and street lighting. The route is a pleasant pedestrian environment with green verges alongside Cotswold architecture.

7. On my site visit I walked from the site to the Co-op foodstore, which took 6 minutes. The post office, pub and pharmacy and takeaways are also close and the primary school is 10 minutes walk away. The Planning Statement accompanying the application has an annotated ariel view of the village which denotes considerable facilities close to the site.
8. The occupants of the dwellings would readily be able to walk to facilities/services and public transport. I therefore conclude that the site is in an accessible location.

Policy considerations and planning balance

9. The site is excluded from the Development Boundary as defined by Policy S8 of the Cotswold District Local Plan. Policy DS4 prevents new market housing outside settlements unless the proposal is in accordance with other policies that expressly deal with residential development in such locations. The case officer report explains that DS4 is intended to prevent new build market houses which for strategic reasons are not needed in the countryside.
10. However, this site is not in the countryside but an accessible location within the village. Indeed, the case officer notes in the site description section of the officer report that the site is within the village. It is also notable that the extensive housing development on Huxley Court, nearing completion, is actually further away from the village centre than the appeal site.
11. Paragraph 6.4.2 provides explanation to the main wording of Policy DS4: the Local Plan's Development Strategy seeks to promote sustainability by focussing most growth in 17 Principal Settlements. The accessibility of the site and its position within the village would meet the sustainability criterion.
12. Paragraph 8 of the National Planning Policy Framework (the Framework) sets out that achieving sustainable development involves three overarching objectives. The economic objective would be met by the construction benefits of the new houses, the social objective is met by the addition of new homes and the ability of the occupants to use community facilities and the environmental objective would be satisfied by the location of the new homes in an accessible location.
13. The Council has a 7.6 year housing land supply and 224% Housing Delivery. However, the Framework paragraph 60 states housing land supply policies determine the minimum number of homes needed. Paragraph 59 confirms the Government's objective of significantly boosting the supply of homes without causing harm.
14. The Council made reference to an appeal decision¹ in Bourton-on- the-Water which supported the approach in Policy DS4. However, it has not been evidenced that the relative accessibility to facilities there and the nature of the surroundings are comparable to these site-specific circumstances.
15. The site is not identified within the Development Boundary in the Local Plan and as such the proposal is contrary to the Plan. Nonetheless I have considered the accessibility of the site and the nature of the surroundings, and these very particular material considerations to this particular proposal indicate otherwise. Significantly, the proposal would provide appropriate housing growth in an

¹ APP/F1610/W/18/3203462

accessible location, without causing any harm. Whilst there is conflict with one Local Plan Policy, I have considered the Development Plan as a whole and the Framework. The merits of the development outweigh the conflict with the Development Plan policy.

Other matters

16. The proposal would not be harmful in terms of landscape impact, biodiversity or flood risk.

Conditions

17. Paragraph 55 of the Framework and the Planning Practice Guidance (PPG) provide the tests for the imposition of conditions. The Council has suggested conditions and the appellants have confirmed their agreement.
18. The conditions on timing and approved plans provide clarity. A condition on obscure glazing is added to prevent overlooking. Conditions on materials, architectural details and landscaping ensure that the development would be in keeping with the area. Conditions on biodiversity and lighting are necessary to protect the surrounding ecosystem. The Construction Environment Management Plan is necessary to ensure that the process minimises impact. Several conditions are pre-commencement which are warranted due to their nature and the appellant has confirmed their acceptability.

Conclusion

19. Giving consideration to the Development Plan as a whole, I therefore conclude that the appeal should be allowed subject to the conditions in the annexe below.

John Longmuir

INSPECTOR

CONDITIONS ANNEXE

- 1 The development shall be started by 3 years from the date of this decision notice.
2. The development hereby approved shall be implemented in accordance with the following drawing numbers: 19230.501; 19230.110-C; 7725/200; 7725/201-A and 7725-54A.
3. Prior to the first occupation of the southern most dwelling, the first floor ensuite window on the first floor (south eastern) elevation shall be obscurely glazed and have opening restricted to no more than 100mm. It shall be retained as such thereafter.
4. Prior to the construction of any external wall of the development hereby approved, samples of the proposed walling and roofing materials shall be approved in writing by the Local Planning Authority and only the approved materials shall be used.

5. Prior to the construction of any external wall of the development hereby approved, a sample panel of walling of at least one metre square in size showing the proposed stone colour, coursing, bonding, treatment of corners, method of pointing and mix and colour of mortar shall be erected on the site and subsequently approved in writing by the Local Planning Authority and the walls shall be constructed only in the same way as the approved panel. The panel shall be retained on site until the completion of the development.
6. All door and window frames shall be recessed a minimum of 75mm into the external walls of the building and shall be permanently retained as such thereafter.
7. The new rooflights shall be of a design which, when installed, shall not project forward of the roof slope in which the rooflights are located and shall be permanently retained as such thereafter.
8. No bargeboards or eaves fascia shall be used in the proposed development.
9. New rainwater goods shall be of cast iron construction or a substitute which has been approved in writing by the Local Planning Authority and shall be permanently retained as such thereafter.
10. The timber boarding shall not be treated in any way and shall be left to weather and silver naturally and shall be permanently retained as such thereafter.
11. The development shall be completed in accordance with the following documents and drawings, as submitted with the planning application:
 - a) Section 6 of the Habitat and Protected Species Survey Final Report dated October 2019 prepared by AD Ecology Ltd, including tree and lake protection measures;
 - b) 10-Year Landscape and Ecological Plan [LEP] Final V3 dated 03/09/2020 prepared by MHP Design Ltd, Chartered Landscape Architects, including 5-yearly reviews;
 - c) Habitat Zoning Plan – Management Aspirations (contained within the LEP Appendix C); and
 - d) Soft Landscape Proposals and Ecological Enhancement drawing no. 19230.110 Rev C dated 03-09-20 (contained within the LEP Appendix D)The documents and drawings shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the local planning authority, and the area of ecological enhancement shall thereafter be permanently retained and managed in accordance with the 10-year LEP.
12. Any trees or plants shown on the approved landscaping scheme to be planted or retained that die, are removed, are damaged or become diseased, or grassed areas that become eroded or damaged, within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.
13. A report prepared by a professional and/or suitably qualified and experienced ecologist certifying that the required ecological mitigation and enhancement measures identified in the 10-Year Landscape and Ecological Plan (dated 03/09/2020 prepared by MHP Design Ltd, Chartered Landscape Architects) have been completed to their satisfaction, and detailing the results of site supervision

and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for approval within 6 months of the date of substantial completion of the development or at the end of the next available planting season, whichever is the sooner. Any approved remedial works shall subsequently be carried out under the strict supervision of a professional/suitably qualified and experienced ecologist following that approval.

14. Before the erection of any external walls of any of the dwellings hereby permitted, details of the provision of integrated (built-in) bat roosting and bird nesting features within the walls of the new buildings, and bat and bird boxes on suitable trees shall be submitted to the Local Planning Authority for approval. The details shall include technical drawings showing the types of features, their location(s) within the site and their positions on the elevations of the buildings, and a timetable for their provision. The development shall be completed fully in accordance with the approved details and the approved features shall be retained in accordance with the approved details thereafter.

15. Before occupation of the dwellings hereby approved, details of external lighting shall be submitted to and approved in writing by the local planning authority
15 The details shall show how and where external lighting will be installed (including the type of lighting), so that it can be clearly demonstrated that light spillage into wildlife corridors (including the lake and the area of ecological enhancement) will be minimised as much as possible.

16. All external lighting shall be installed in accordance with the specifications and locations set out in the details, and these shall be retained thereafter. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

17. Prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365 with the lowest infiltration rate (expressed in m/s) used for design. The details shall include a management plan setting out the maintenance of the drainage asset. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter.

18 Prior to the commencement of development, a tree protection plan that gives measurements of the positions of the tree protection fencing, and specifies the timing and sequence of events for all tree protection measures shall be submitted to the Local Planning Authority for approval in writing. Once approved all details must be carried out in full and in accordance with any timescales therein, unless otherwise agreed in writing with the Local Planning Authority.

19. The development shall not be occupied or brought into use until vehicle parking has been provided in accordance with the approved plans and that area shall not thereafter be used for any purpose other than the parking of vehicles.

20. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:

- i. specify the type and number of vehicles;
- ii. provide for the parking of vehicles of site operatives and visitors;
- iii. provide for the loading and unloading of plant and materials;
- iv. provide for the storage of plant and materials used in constructing the development;
- v. provide for wheel washing facilities;
- vi. specify the intended hours of construction operations;
- vii. measures to control the emission of dust and dirt during construction;
- viii. specify the route to be taken to and from the site by vehicles during demolition and construction works.