



Appeal Decision

Site visit made on 4 May 2021

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 09 June 2021

Appeal Ref: APP/G1630/W/21/3267810

Land to the north of Tynning House, Main Road, Shurdington, GL51 4XF

- 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 Scott Mcardle against the decision of Tewkesbury Borough Council.
 - The application Ref 20/01071/PIP, dated 21 October 2020, was refused by notice dated 16 November 2020.
 - The development proposed is the erection of 1 to 2 no. dwellings.
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Decision

1. The appeal is dismissed.

Main issues

2. The scope of the considerations for permission in principle is limited to location, land use and amount of development. All other matters are considered as part of a subsequent Technical Details Consent application, if permission in principle is granted.
3. The proposal is for a minimum of 1 dwelling and a maximum of 2 dwellings at the site, and the Council are satisfied that this could be accommodated. I have no reason to disagree and, to this extent, the 'amount' of development is acceptable.
4. 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 national 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; 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

5. Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (adopted December 2017) (the 'JCS') protects the Green Belt from inappropriate development, directly referencing the requirements of the National Planning Policy Framework (2019) (the 'Framework').
6. Paragraph 145 of the Framework lists the exceptional circumstances when construction of new buildings would not be inappropriate in the Green Belt, which includes limited infilling in villages. I am satisfied that the proposal would be 'limited' in scale. It therefore remains for me to determine if the site is in a village.
7. I observed that the core of Shurdington is tightly grained, several roads deep and centred around a post office, church, school and local businesses. As you travel towards the appeal site from the core of the village, the area becomes more rural in character, comprising widely spaced houses with ancillary buildings in sizeable plots, backing on to open fields.
8. The appeal site is a field on the main road between Cheltenham and Shurdington. It has a house on either side, which are part of a short, loose ribbon of development of approximately 6 houses length. A similar pattern of development can be seen on the other side of the road. There are woods and a field between the core of the village and the ribbons of houses. By virtue of being part of a loosely grained, short ribbon of development, physically separated from the built-up area, I do not consider the location to be part of the village for the purposes of assessing the effect of the proposal on the Green Belt.
9. I acknowledge that the site is connected to the village via a pavement with streetlights and I accept that, to a degree, in character this does connect the area with the village. However, I do not consider that this is a determining factor in defining a village and, in this case, is insufficient to overcome my finding that the site is not within the built-up core of Shurdington.
10. I also note that services in the village are accessible by foot and public transport from the appeal site. Although proximity is a factor in defining the extent of a village, I do not consider it to be determinative. In the circumstances of this case, the proximity of the appeal site to services does not outweigh the requirement for it to be within the village core.
11. I note that the Council has previously referred to a nearby site as being 'within' Shurdington¹. While I do not have the context for this comment before me, Shurdington is the closest village to the site, and I therefore do not find this contradictory. However, for the reasons above, I do not find the location to be in the built-up area of the village for the purposes of the Green Belt assessment.
12. I do not dispute that 'infill' is commonly defined as 'development of an undeveloped plot in an existing built-up frontage'. I also acknowledge that the appeal site comprises a small field with housing on either side, and therefore is an undeveloped gap along a built-up frontage. However, for the reasons above,

¹ 20/00196/FUL

I do not consider this short ribbon of housing to be in the village, and for this reason the location does not meet the requirements of the policy.

13. The rural character of the area, in addition to its physical separation from the core of Shurdington, leads me to conclude that the appeal site is not within the village. Introduction of housing at this location would lead to consolidation of the encroachment of development into the Green Belt. The proposal would therefore be inappropriate development in the Green Belt and would not accord with Policy SD5 of the JCS and paragraph 145 of the Framework.

The effect on openness

14. I have found that the proposal would not benefit from an exception that makes allowance for a potential loss of openness. I have therefore undertaken an assessment of the effect of the proposal on the openness of the Green Belt.
15. The appeal site comprises a rough field surrounded by trees, fencing and mixed hedging. This would be replaced by 1 or 2 houses and associated domestic paraphernalia. The addition of built form and change of use to residential, clearly visible from the main road, would have a harmful effect on the openness of the Green Belt in both visual and spatial terms, albeit this would be modest.
16. The proposal would therefore conflict with Paragraph 133 of the Framework, which states that the fundamental aim of Green Belt policy is to keep land open.

Location

17. Policies SP2 and SD10 of the JCS control distribution of new housing development in the area, allowing infilling in the built-up areas of service villages, of which Shurdington is one. There is no formal settlement boundary for the village in the local plan. For the reasons above, I do not consider the appeal site to be in the built-up area of the village.
18. I have had regard to a recent appeal decision² brought to my attention by the appellant and I concur that there is no requirement in Policy SD10 for the site to be within a settlement boundary. However, as there is no settlement boundary in this case, this is of limited relevance.
19. The appeal site is beyond the proposed settlement boundary for Shurdington referred to by Policies RES2 and RES5 of the emerging Tewkesbury Borough Plan (2011-2031)(TBP). I note that the site would only be 80 metres beyond the proposed boundary, but nevertheless it remains outside and would not meet any of the proposed exceptions. The proposal would therefore conflict with the emerging policies, which generally limit development of housing to the extent of the boundary. However, I have no information regarding the extent of any unresolved objections to these policies, so the potential conflict attracts limited weight.
20. The site is not within the built-up area of the service village and, for this reason, the proposal would be in conflict with the housing location policies contained in Policies SP2 and SD10 of the JCS.

² APP/G1630/W/20/3257279 (7 December 2020)

Other considerations

21. The Council cannot demonstrate a five-year supply of deliverable housing sites. Even if the supply is as low as the appellant suggests, paragraph 11(d) of the Framework is disengaged by virtue of the Green Belt being classed as a protected area in Paragraph 11d(i).
22. Notwithstanding this, the proposal would make a positive contribution towards the supply of housing in the area, albeit this is limited by the small scale of the development. There would also be economic benefits from construction of the dwelling and its occupation, through support for local services and facilities, although this would be limited by the low number of dwellings.
23. I note that the appellant considers this to be a windfall development, for which support can be found in the emerging TBP. Although I have not been provided with a copy of the relevant policies, I have no reason to doubt that this is the case, and, regardless, the benefits of windfall development are also identified in national policy. Windfall development must still meet the other requirements of the local plan however, which, for the reasons above, this proposal does not. I conclude that the benefits from windfall development do not outweigh the harm identified.

Planning balance and conclusion

24. The development would be inappropriate in the Green Belt and would harm its openness, and this is a matter that to which I afford substantial weight. I have also found that the location of the site does not meet the requirements in local policy for locating residential development in the built-up area of a service village.
25. I conclude that the harm to the Green Belt by way of inappropriateness and harm from conflict with the local plan in regard to location would not be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the proposed development.
26. I conclude that the proposal conflicts with the development plan when read as a whole and for this reason, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

B Davies

INSPECTOR