



Appeal Decision

Site Visit made on 6 July 2021

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 September 2021

Appeal Ref: APP/G1630/W/21/3269576

Land East of Teddington, Alstone Road, Teddington, Tewkesbury GL20 8FB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning in principle.
 - The appeal is made by Mr I Woodward-Court of Context Land against the decision of Tewkesbury Borough Council.
 - The application Ref 20/00684/PIP, dated 27 July 2020, was refused by notice dated 9 October 2020.
 - The development proposed is the erection of up to 4 no. dwellings.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (Framework) refers to the weight that should be given to relevant policies in emerging plans. The Pre-Submission Tewkesbury Borough Plan 2011-2031 (the Emerging Plan) has been through examination and the relevant policies are broadly consistent with the Framework. Consequently, it carries moderate weight.
3. The appeal proposal is for a permission in principle. This consent route has two stages, the first stage establishes whether a site is suitable in principle and the second stage, the technical details consent, is where the detailed development proposals are assessed. The appeal proposal is at the first stage and therefore I have considered the principle of the scheme which is limited in scope to location, land use and amount of development.
4. Following the refusal of the application the new Framework has been published. Comments were sought from the main parties on this, and where received have been taken into account in my decision. I consider that there have been no fundamental changes relevant to the main issues in this appeal and therefore no injustice has been caused to any of the appeal parties by my taking account of the revised Framework.

Main Issue

5. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development, with particular regard to the local housing strategy, accessibility to services and reliance on private motor vehicle, and the character and appearance of the area, including the Cotswolds Area of Outstanding Natural Beauty (AONB).

Reasons

6. Policy SP2 of the JCS¹ sets out the distribution strategy and housing targets for the area. The appeal site and Teddington do not fall within a housing allocation, urban area, rural service centre or service village. Outside of these areas Policy SD10 states that housing development is limited to certain exceptions, including infilling within existing built-up areas. Infill development is defined in the supporting text as development of an under-developed plot well related to existing built development. No definition of 'under-developed plot' has been put before me to indicate that it excludes greenfield land.
7. There is no settlement boundary for Teddington in the Emerging Plan. Policy RES3 of the Emerging Plan states residential development will be considered acceptable outside defined settlement boundaries where it is in accordance with Policy RES4 and for very small-scale development at rural settlements.
8. Policy RES4 states that such schemes will be acceptable in principle within and adjacent to the built-up area of other rural settlements. The supporting text states this could include minor infilling. For the purposes of this policy and SD10 it states that the built-up area of the settlement is its continuous built form and excludes individual buildings or groups of dispersed buildings which are clearly detached from the continuous built-up area of the settlement.
9. Further criteria include maintaining sustainable patterns of development and the amenity value and contribution to the character and setting of the settlement in its undeveloped state. Supporting text states that the impact on form, character and landscape will be extremely important considerations in the AONB.
10. Policy RES5 of the Emerging Plan applies to all housing and requires edge of settlement development to not appear as an unacceptable intrusion into the countryside and retain a sense of transition between it and the settlement.
11. Policy TRAC1 of the Emerging Plan, Policy INF1 of the JCS and Saved Policy TPT1 of the Local Plan² along with various policies from the Transport Plan³ seek to promote pedestrian accessibility and encourage connections to sustainable modes of transport.
12. The appeal site forms part of a larger undeveloped open field that separates The Poplars from Cotswold Cottage. There are views across and over the appeal site when travelling in both directions past the site.
13. There are properties opposite part of the appeal site and gardens nearby either side. However, the curvature of the road and mature roadside vegetation means there are limited views of The Poplars with the rows of residential properties in Teddington. Therefore, while the Poplars is not isolated, these factors create a visual separation with it not being seen as part of the continuous built-up area of the settlement, but instead appearing clearly detached and separate from it.

¹ Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031

² Tewkesbury Borough Local Plan to 2011

³ LTP PD 0.1, LTP PD 0.3 and LTP PD 0.4 of the Gloucestershire Local Transport Plan 2020 – 2041

14. Cotswold Cottage ends the row of properties some distance from the appeal site to the other side. Its garden creates a large gap between the property itself and the appeal site.
15. This is in contrast to the generally tighter grain of development within Teddington and the large open and undeveloped space between the properties of Cotswold Cottage and The Poplars result in the site not being within the built-up area. In addition, the wide side garden separating Cotswold Cottage from the site means the site is not adjacent to the built-up area.
16. The site would fill a gap between residential boundaries extending the linear pattern of development. Given the size of the scheme and that of Teddington it would be very small scale. Notwithstanding this, the separation between the properties either side of the site means it is seen as part of the countryside with the rising land beyond. The proposal would extend the built form outside of the existing village edge, eroding the countryside beyond.
17. I recognise that there is generally a greater reliance on private cars in more rural areas and there are already a number of residential properties a similar distance from services and facilities. Furthermore, additional residents in one settlement can help support services and facilities in another.
18. There are bus stops in the area which are a relatively short distance from the site and would have natural surveillance along much of the route from existing properties. This would provide access to services in other settlements. Nonetheless, the details before me indicate that there is an infrequent timetable. This would not make buses an attractive or probable option.
19. To access facilities by other means occupiers would need to travel further along the roads beyond the settlement that are generally unlit with no pedestrian footway or use a public right of way through fields with little natural surveillance. Although these routes may be lightly trafficked, these circumstances do not lend themselves to safe use by pedestrians and would be unlikely to encourage cycling, in particular at times of darkness or adverse weather conditions.
20. It may be technically possible to access services and facilities by foot, bus or bicycle. Nonetheless, it would be unrealistic and unlikely due to the characteristics of the surrounding road network. Therefore, there would be a lack of sustainable transport choices available and occupiers of the dwellings would be heavily reliant on the use of motor vehicles. In addition, the size of the scheme means it would not significantly enhance the vitality or viability of any local services.
21. Although at the fringe of it, the site is located in the AONB. Local and national policy do not prohibit development in the AONB and built form within them is not uncommon. The Management Plan⁴ acknowledges that change is inevitable in the AONB.
22. Mature vegetation both sides of the road predominantly screens The Poplars and other buildings when approaching Teddington from that side. This, along with the bend in the road and undulating land levels, results in the residential development within the village being largely obscured on this approach. These factors also mean that when leaving the village, development at The Poplars is

⁴ Cotswolds Area of Outstanding Natural Beauty Management Plan 2018-2023

not immediately obvious and the site marks the beginning of the undeveloped open land beyond the settlement.

23. Signage and speed limit changes further afield than the site do not alter that the existing appearance of and behind it is one of being part of the countryside rather than an anomaly of undeveloped land along the road. There are limited views from nearby public rights of way of the site. However, the site is seen with the surrounding fields and rising open land beyond. This is in contrast to the almost continuous built form within the settlement where views of the countryside are more limited. The site forms an important part of the setting of Teddington along the main route through it.
24. Many details of the appeal scheme, such as layout, number, scale and design of the properties are undefined at this stage. Furthermore, the site would likely be a linear form as much of the village is, although the depth of the site is considerably greater than the garden of Cotswold Cottage.
25. It has been suggested that properties could be subterranean, and the hilly backdrop would remain. Notwithstanding this, on the evidence before me, the introduction of dwellings and the associated domestic paraphernalia would inevitably bring about a change to the character of the site. It would undoubtedly and fundamentally alter the appearance of the site from what is currently an undeveloped field with no built form that assimilates into the comparable wider landscape.
26. Although not isolated the dwellings would appear separate from the residential properties in the village in many views, in particular on the approach from The Poplars side. Although compact linear villages and hamlets and dispersed villages do occasionally occur at the foothills of the outliers character type, the appeal scheme would appear separate from the existing built form. The proposal would result in an adverse and noticeable impact on the AONB.
27. Consequently, the location, the proposed land use and the amount of development would not be suitable with regard to the local housing strategy, accessibility to services and reliance on private motor vehicles; and the character and appearance of the area including the AONB. The scheme would be contrary to the design, landscape protection and location strategy elements of Policies INF1, SP2, SD4, SD6, SD7 and SD10 of the JCS; Policies TRAC1, RES3, RES4 and RES5 of the Emerging Plan; Saved Policy TPT1 of the Local Plan and Policy CE1 of the Management Plan.

Other Matters

28. My attention has been drawn to several appeal decisions and decisions by the Council for residential development. The Vine Tree Farm proposal involved replacing existing buildings that would have had their own associated traffic movements. From my observations on site, the built form at the Vine Farm site is considerably closer than the appeal site is to Cotswold Cottage and only partly within the AONB. The Highway Authority recommended the Deerhurst scheme for refusal, however, in the planning balance, benefits of the proposal were considered to outweigh the harm and it was not within the AONB.
29. The Gotherington and Coombe Hill proposals related to a considerably greater number of dwellings and therefore would have involved greater benefits to matters such as housing supply and the local economy. They also included

affordable housing and were not within the AONB. The Minsterworth appeal site was not within an AONB and the presumption in favour of sustainable development outlined in paragraph 11d)ii of the Framework applied in that case. Therefore, these examples are materially different to the scheme before me.

Planning Balance

30. While the level is disputed, the Council acknowledge that they are unable to demonstrate a 5-year supply of housing land. If I were to agree with the appellant regarding the extent of the shortfall, given the scale of the scheme, the contribution towards housing supply attracts moderate weight.
31. There would be benefits arising from the construction period and future spend of occupants that would give support to local services and facilities, including those in other settlements. As construction benefits would be short term, and given the upper number of units proposed, these factors attract limited weight, as does biodiversity benefits in light of the limited information provided regarding them.
32. The proposal would though conflict with the housing strategy of the JCS and the Emerging Plan. However, given there is an existing shortfall, and that the Emerging Plan is yet to be adopted, I give the conflict with these policies moderate weight.
33. There would be significant harm to the character and appearance of the area and the AONB with the erosion of the countryside setting of Teddington. It would be contrary to the adopted and emerging policies in this regard that are broadly consistent with the Framework. I give this substantial weight.
34. The site would not be in an accessible location and would result in a heavy reliance on private vehicles. It would run contrary to the aim to provide sustainable patterns of growth. These aims and policies align with those of the Framework and attracts significant weight.
35. The proposal would conflict with the development plan as a whole.
36. The lack of a 5-year housing supply means that paragraph 11d) of the Framework applies. The scheme would align with the aims of the Framework to significantly boost the supply of homes and that small and medium-scale developments can make an important contribution to meeting the housing requirement and be built out quickly. Using the figures suggested by the appellant, the contribution towards housing supply and mix attracts moderate weight.
37. The economic and social benefits from the build and occupation would align with the Framework where it states development in one village may support services in others. However, given the size of the scheme their weight in favour is small. Biodiversity enhancements align with the aim of the Framework to improve biodiversity, but due to the lack of detailed evidence this attracts small weight.
38. The Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Nevertheless, the scheme would be contrary to the Framework where it seeks to actively manage

patterns of growth and ensure safe and suitable access to the site can be achieved for all users. I give this significant weight.

39. The proposal would fail to accord with the Framework where it recognises the intrinsic character and beauty of the countryside, states schemes should be sympathetic to local character and that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. I give this substantial weight.
40. The application of policies in the Framework that protect areas or assets of particular importance, in this case the harm to the AONB, provides a clear reason for refusing the development proposed. Therefore, in accordance with paragraph 11d)i of the Framework, the balance in paragraph 11d)ii is not engaged.
41. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the development plan, unless material considerations indicate otherwise.
42. The proposal conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.

Conclusion

43. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

Stuart Willis

INSPECTOR