



Appeal Decision

Site Visit made on 14 September 2021

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2021

Appeal Ref: APP/G1630/W/21/3276325

**Land adjacent Puckrup Hall, Puckrup Lane, Twyning, Tewkesbury
GL20 6EL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Luka Services Limited against the decision of Tewkesbury Borough Council.
 - The application Ref 19/00362/OUT, dated 27 March 2019, was refused by notice dated 3 December 2020.
 - The development proposed is described on the application form as a 'new dwelling and removal of a mobile home on land adjacent to Puckrup Hall Farm Cottages'.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The appeal is submitted in outline with all matters reserved for future consideration. I have therefore taken any indication of reserved matters shown on the submitted drawings to be illustrative.
3. The Council's Pre-Submission Tewkesbury Borough Plan 2011-2031 ('Emerging Plan')¹ has been subject to examination and the Inspector has set out main modifications required to make the plan sound. Given the limited implications of the main modifications to be consulted upon in relation to policies relevant to this appeal, I afford the policies significant weight. The appellant has made reference to saved policies HOU4 and HOU10 of the Tewkesbury Borough Local Plan to 2011 (March 2006), however as no substantive evidence is before me from either of the main parties in respect of these I have not addressed these further within this decision.
4. The Council acknowledges that they are presently unable to demonstrate a five year supply of deliverable housing sites in line with National Planning Policy Framework (the 'Framework') paragraphs 11 and 74. I will return to that subsequently, however on that basis, and in the absence of relevant protected areas or assets defined in the Framework footnote 7 here, there is no dispute that Framework paragraph 11. d) ii) is engaged.

¹ Pre-Submission Tewkesbury Borough Plan 2011-2031 (October 2019)

Main issues

5. The main issues are:

- whether or not the proposal may be assessed as for a replacement dwelling in the countryside; and
- whether or not the location of the proposed development is acceptable with regard to access to facilities.

Reasons

Whether or not a replacement dwelling in the countryside

6. The appeal site is not allocated for development and is not within any settlement boundary, it therefore falls within open countryside. In such locations, Policy GD1 of the Twynning Parish Neighbourhood Development Plan ('Neighbourhood Plan')² supports proposals for new housing where they meet one or more of the policy criteria. The policy seeks to restrict development in open countryside, focusing instead on sites within development boundaries where there is better access to services and facilities.
7. In this context, criterion a. of that policy allows new dwellings in open countryside where they are a replacement for an existing dwelling, there being no net increase in housing as a result. It is a matter in dispute as to whether the proposed new dwelling subject of this appeal should be regarded as a replacement for a mobile home that benefits from a certificate of lawful use as a single dwelling house (Ref 00/5610/0645/CLE). Although adjacent to, rather than within the appeal site, the mobile home is in a discrete location amongst development to the north of the site. On the evidence before me it is on land in the appellant's ownership. Whilst the mechanism to secure removal of the mobile home does not form part of the appeal submission, were I to allow the appeal a condition could reasonably be applied requiring the removal of that dwelling prior to occupation of the appeal scheme.
8. I have had regard to the appeal decision relating to the replacement of a caravan with a new dwelling in Stockton-on-Tees Borough³, albeit full details of that proposal are not before me. In any event, in the particular circumstances of this case, notably the proximity of the two sites, that the proposal is intended to result in no net addition to the number of dwellings, and that a condition could secure its removal, I am satisfied that the appeal proposal would amount to a replacement dwelling under criterion a. of Policy GD1.

Whether or not the location is acceptable with regard to access to facilities

9. Whilst the appeal site is located close to a hotel and golf course, access to local shops and other community facilities appears very limited. In addition, aside from adjacent public footpaths, which do not appear to lead conveniently to nearby services and facilities, the accessibility of the site by non-car modes appears very constrained. Future occupants of the proposed development would therefore be highly dependent on travel by car for day to day services and facilities. There is no robust evidence before me to the contrary. The Neighbourhood Plan acknowledges that most settlements in the parish lack sufficient services, facilities, public transport and jobs to be considered

² Twynning Parish Neighbourhood Development Plan 2011-2031 (made 2018)

³ Appeal Ref APP/H0738/W/19/3242788

sustainable locations for development, and as such development boundaries have not been defined around them. Puckrup itself is without a defined settlement boundary.

10. I accept that the harm that would arise from the lack of travel choices and reliance on travel by car would be tempered by removal of the mobile home and any associated travel by occupants of that use. Nevertheless, in the absence of details regarding scale in particular, on the information before me I cannot be satisfied that a dwelling here would be comparable in scale, type and associated intensity of vehicular movements. I note the appellant illustrates a two storey, four bedroom dwelling in that context. The mobile home in comparison appears to provide very limited, single storey accommodation.
11. Therefore, whilst appreciating that the scheme is in outline, for the foregoing reasons I cannot conclude that the scheme would result in no material increase in vehicular movements or associated emissions by virtue of its location. As a consequence, whilst in principle the proposal could amount to a replacement dwelling in accordance with Policy GD1 of the Neighbourhood Plan, in practice, and on the information before me it would not necessarily amount to a like for like replacement in terms of planning implications.
12. On this basis, and given poor accessibility as reasoned above, the site would not be an appropriate location for the development proposed, contrary to Policy H5 of the Neighbourhood Plan. This policy does not support proposals for permanent dwellings that are to replace existing mobile homes on sites where residential development is inappropriate. It would similarly conflict with Policy INF1 of the Joint Core Strategy⁴ which, amongst other matters, requires proposals to provide safe and accessible connections to the transport network to enable travel choices for future occupants.
13. An extant permission for a new dwelling on land immediately to the south of the site was confirmed in an appeal decision in 2013. In the event that the extant permission was completed, the appeal site would be enclosed by built development to the north and south as well as diagonally opposite on Puckrup Lane. In such circumstances, the proposal may amount to infilling of existing built development in accordance with the terms of Policy SD10 of the Joint Core Strategy, however there is no certainty that such development will materialise.
14. In the current circumstances, however, the proposal could not reasonably be considered to infill existing built development under the terms of this policy. It would instead result in built development extending further to the west and south on this side of Puckrup Lane, contrary to Policy SD10. However, the harm arising from development of this site in advance of the extant permission would in reality be limited, due to relatively limited visibility of the site from the surrounding countryside and local area.
15. I accept that, subject to a sensitive approach to reserved matters, a proposal could potentially conform with some elements of Policy RES4 of the Emerging Plan which supports development adjacent to rural settlements not addressed in the settlement hierarchy, subject to certain criteria. Nevertheless, as reasoned above, the location of the site remote from local facilities and sustainable transport choices would not be consistent with a requirement for

⁴ Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017)

proposals to maintain or enhance sustainable patterns of development. It would consequently be contrary to criterion a. of that policy.

16. Concluding on this matter, given the lack of nearby facilities necessary for day-to-day living and its limited travel choices, the appeal site would not be an acceptable location for the development proposed, with regard to access to facilities. Whilst the harm associated with any conflict with Policy SD10 of the Joint Core Strategy would be limited for the foregoing reasons, it would nevertheless conflict with Policy H5 of the Neighbourhood Plan, Policy INF1 of the Joint Core Strategy and Policy RES4 of the Emerging Plan which, amongst other matters, seek to ensure residential developments are suitably located, including in respect of accessibility to nearby facilities and travel choices.

Other matters and planning balance

17. I have considered the effect of the proposed development on the setting of The Bothy and Puckrup Hall, which are both grade II listed and located to the east of the site. However, in light of the separation distances, high level of screening in place, and nature of the surrounding context, I find no harm in this respect.
18. I note the appeal decision in respect of a new dwelling to the south of the site⁵, which was originally granted as an agricultural worker's dwelling and is extant (referenced in paragraph 13 of this decision). The restrictive occupancy condition was subsequently removed in light of sufficient evidence to demonstrate that the development was no longer required to serve the needs of the agricultural community. Permission for a detached dwelling on the site of the previous approval on that site was subsequently granted⁶. Nevertheless, the circumstances under which the original decision was made, and the justification for removal of the restrictive condition and subsequent approval of a revised scheme, are not comparable to that of the current appeal scheme for a new dwelling on a greenfield site, with unrestricted occupancy.
19. The Council accepts that it is not possible to demonstrate a five year housing land supply at present, albeit that the appellant's appeal statement indicates the extent of shortfall is relatively modest (forward supply standing at some 4.35 years). Paragraph 11. d) ii) of the Framework states that where policies most important for determining the application are out-of-date, permission should be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole.
20. The Framework sets out that the purpose of the planning system is to contribute to the achievement of sustainable development through the delivery of the mutually dependent economic, social and environmental objectives. In that context, the proposal would have a very limited positive effect on housing supply, taking into account the removal of the lawful use of the mobile home. Given the proposal is for a single dwelling, the potential benefit of enhancing the vitality of the existing rural community would be similarly limited, particularly in light of the absence of community facilities here.
21. There would be economic advantages of construction and occupation of this development. The submitted details indicate the potential for the site to

⁵ Appeal Ref APP/G1630/A/12/2178908

⁶ Council Ref 15/00580/FUL

accommodate a dwelling of a suitable design, resulting in a lack of harm to matters such as the living conditions of existing neighbouring occupants and future occupants of the appeal scheme, flood risk, highway safety, impacts on trees, heritage, and landscape character and appearance. Nevertheless, the absence of harm and/or lack of objection from relevant consultees in respect of these matters are neutral considerations. The benefit to the character and appearance of the area as a result of removing the ageing mobile home would be highly limited, particularly given its position screened from much of the surrounding buildings.

22. Accordingly, the benefit arising from one replacement dwelling would inevitably be very limited. In contrast, taking into account the likely increase in the quality and quantity of accommodation proposed in comparison to the mobile home that would be removed, the harm arising from reliance on travel by car from its future occupants would be moderate. Therefore, the adverse impacts of granting consent would significantly and demonstrably outweigh its benefits. Consequently, other material considerations in favour of the proposal do not justify taking a decision contrary to the development plan.

Conclusion

23. For the above reasons, and having taken all other relevant matters into account, the proposal conflicts with the development plan taken as a whole and with the approach in the Framework. I therefore conclude that the appeal should be dismissed.

Rachel Hall

INSPECTOR