



Appeal Decision

Site visit made on 28 January 2022

by Lewis Condé Msc, Bsc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: Thursday 17 March 2022

Appeal Ref: APP/G1630/W/21/3280423

Manor Farm House, Gretton Road, Gretton, Gloucestershire GL54 5EP

- 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 Martin Gilder against the decision of Tewkesbury Borough Council.
 - The application Ref 20/01139/PIP, dated 10 November 2020, was refused by notice dated 8 February 2021.
 - The development proposed is described as 'Permission in Principle for the erection of 1no. to 6no. dwellings on land north of Manor Farmhouse, Gretton'.
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Decision

1. The appeal is allowed and permission in principle is granted for the erection of 1 no. to 6 no. dwellings on land north of Manor Farm House, Gretton Road, Gretton, Gloucestershire GL54 5EP in accordance with the terms of the application, Ref 20/01139/PIP, dated 19 November 2020.

Preliminary Matters

2. As explained in the Planning Practice Guidance ('PPG'), the Town and Country Planning (Permission in Principle) (Amendment) Order 2017 (the Order) is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for the proposed development from the technical detail. The scope of the first stage, that is to establish whether a site is suitable in principle for development, is limited to location, land use and amount of development.
3. The Tewkesbury Borough Plan 2011 - 2031 (TBP) is an emerging plan but has reached an advanced stage in the examination process. A list of the policies and main modifications proposed has been provided by the Local Planning Authority (LPA). Emerging Policies of relevance to the appeal proposal are RES2 (Settlement Boundaries), RES3 (New housing outside settlement boundaries), RES4 (New housing at other rural settlements), RES5 (New housing development). From the information before me, it is not clear whether there are unresolved objections to the policies, though I am aware that Policies RES4 and RES5 remain subject to main modifications. The level of consistency with the National Planning Policy Framework (the Framework) will depend largely on the outcome of the main modifications. Therefore, in accordance with paragraph 48 of the Framework, I have afforded emerging Policies of the TBP modest weight.

Main Issues

4. The main issue is whether the location of the proposed development would be acceptable having regard to its principle and the character and appearance of the area which includes the Cotswold Area of Outstanding Natural Beauty (AONB).

Reasons

Principle of Development

5. Policy SP2 of the JCS sets out the distribution strategy and housing targets for the area. The appeal site and Gretton do not fall within an urban area, rural service centre, services village, or a housing allocation. Outside of these areas Policy SD10 permits housing development where sites meet certain exceptions. Of relevance to the appeal scheme, is an exception under 4.ii that allows for infilling within existing built-up areas.
6. The JCS sets out that, for the purpose of Policy SD10, infill development is taken to mean '*the development of an under-developed plot well related to existing built development*'. No definition of 'under-developed plot' is provided as part of the JCS policy to indicate that it excludes greenfield sites.
7. Although the site is well related to the existing settlement boundary and fairly well related to the existing built form of Gretton, I am not entirely convinced that the proposal constitutes infill development. This is due to the exposure of the eastern boundary to the open countryside and western boundary to recreation space. Consequently, I do not find the proposals to accord with Policy SD10 of the JCS.
8. That said, Gretton has a modest range of services including a primary school, public house, village hall, recreation ground and church. On my site visit I observed that these were all within easy walking distance of the site, along relatively flat terrain.
9. There are pavements within the immediate vicinity of the site that extend throughout the village. They are present from near to the Royal Oak public house and extend to beyond the Christ Church to the west, street lighting is also present for much of the route. In certain locations there were pinch points where the width of pavements reduced, or the pavements were only available on one side of the road. Nevertheless, traffic through the village was generally limited and I found that the pavements provided satisfactory walking routes through the village and to its available facilities and services.
10. Gretton does not have the range of facilities and services that would sustain day to day living. Residents of the development would therefore generally be dependent on journeys to larger centres to meet wider needs. Notwithstanding, that the village is served by two bus stops, I consider that future residents of the proposal would be somewhat reliant on the use of private car given the rural context of the site. However, the Framework recognises at Paragraph 105 that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and, noting the proximity of public transport options to the site and some local services I have taken this into account.
11. In addition, Paragraph 79 of the Framework promotes sustainable development in rural areas, setting out that housing should be located where it will enhance

or maintain the vitality of rural communities and where there are groups of smaller settlements, development in one village may support services in a village nearby. The proposed development would be capable of supporting the vitality of services and facilities both within Gretton and surrounding settlements.

12. Policies of the PTB set out a less stringent approach to development outside settlement boundaries. Notably, RES4 provides support for very small-scale residential developments adjacent to the built-up areas of rural settlements, subject to various criteria. However, the precise criteria under emerging Policy RES4 remains subject to main modifications. I am therefore unable to determine whether the appeal scheme would ultimately conflict with the emerging policy or not. Despite this, I am mindful that the direction of travel in the emerging policy is generally more supportive towards developments such as the appeal proposal.
13. The proposed development would conflict with Policies SP2 and SD10 of the JCS for the reasons I have set out. However, taking into account the direction of the TBP, the particular characteristics of the appeal site and its situation, there are material considerations that weigh significantly in favour of the appeal scheme in regard to this main issue. I shall return to this matter later.

Character and Appearance

14. Gretton is a small, linear rural village. Despite the development not being for infill, it would nonetheless be fairly well related to Gretton's existing built form. Due to this relationship, particularly with housing to the south-east of the site, the development would not project significantly into the open countryside. Consequently, encroachment into the countryside would be limited, as would the adverse effects arising.
15. There is an extant permission for the development of various buildings and a menage at the site. That development would cover a significant proportion of the site and include buildings located around its perimeter. I understand that the size and scale of these buildings would range between 5.7m and 7.4m in height and have a combined footprint of approximately 345sqm. It is therefore conceivable that the appeal scheme would not result in any more visual harm than the extant permission, subject to the scale of development and its detailed design that may come forward at the technical details stage.
16. The appeal site would not directly address a street frontage. I do not disagree that the predominant form of development in Gretton is of frontage dwellings and buildings with direct access to the street. However, as I observed on the site visit there are other examples of similarly located backland-type developments elsewhere in the vicinity. Therefore, such development cannot be discounted as entirely uncharacteristic of the area.
17. Since the appeal site is within the AONB, I have had regard to the duty under section 85(1) of the Countryside and Rights of Way Act 2000. This requires that decisions have regard to the purpose of conserving and enhancing the special qualities, distinctive character, and key features of the AONB.
18. The appeal site appears to have few special qualities other than being a pleasant undeveloped paddock. Whilst the development of up to 6 houses would change the character of the site, it is not a sizeable plot within the wider

landscape. Views of the site are also largely limited due to it being generally well hidden from the surrounding locality. This is in part due to the site being located behind existing dwellings, at a much lower level than the public highway. In addition, mature vegetation to its western and southern boundaries and the general absence of nearby public rights of way limit the site's visibility.

19. The main public views are therefore from the adjacent recreation ground. However, mature vegetation on the boundary would to some extent limit the views, while the development would also be seen against a backdrop of existing dwellings. Views of the development would also be present from the railway line to the north, but these are likely to be fleeting and again the site would be seen against the context of existing built form beyond.
20. Longer range views may also be available, most notably from public rights of way at higher ground to the south of Gretton. However, I consider it unlikely that the appeal scheme would significantly or appreciably reduce the quality of the views. This is due to the distances involved and the relatively small scale of the development site, alongside its proximity to, and relationship with, existing built form.
21. I appreciate that I do not have full details of the scale and design of the final proposed development, including any landscaping arrangements. However, I consider that there is real prospect that the development of between one and 6 dwellings on the appeal site would not be harmful to the AONB or its scenic beauty. This is based on the site's specific characteristics in terms of its overall value, visibility, and relationship to existing built form. In addition, the extant permission provides a realistic fallback position that could see significant built development come forward at the site.
22. The appellant has also identified an intention to provide a comprehensive package of information as part of the technical details stage, including a landscape and visual appraisal or impact assessment. This would allow a comprehensive consideration of the impacts on the AONB to be fully tested once precise details of a scheme are available.
23. As such, the proposed development would not conflict with Policy SD4, SD6 SD7 of the JCS. Together these policies, amongst other matters, seek for development to respond positively and respect the character of the site's surroundings and landscape character, including conserving the landscape and scenic beauty of the Cotswolds AONB.

Other Matters

24. Concerns have been raised by third parties regarding the effect of the proposal, including on highways, infrastructure, and flooding. However, these are not matters which would fall within the scope of consideration for the first stage of the Permission in Principle route. These issues will need to be addressed as part of the technical details stage and there can be no guarantee that just because Permission in Principle has been granted, that approval of technical details will follow. It takes approval of both stages for a planning permission to be secured.
25. The site also lies adjacent to Gretton Conservation Area. Matters pertaining to issues such as scale, appearance and landscaping are subject to future

consideration. However, subject to suitable design, the siting of dwellings in this location would not appear as an overly insensitive form of development, nor harmful to the setting of the adjacent conservation area. From the information before me I have no reason to find harm to the setting of the Gretton Conservation Area. As such, there is no conflict with policies which seek to protect local and the settings of heritage assets or my duty thereunder.

Planning Balance and Conclusion

26. The Council accepts that it cannot demonstrate a five-year supply of housing land which takes me to paragraph 11 of the Framework which states, for this purpose and taking into account my earlier findings, that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.
27. The proposed development conflicts with Policies SD2 and SD10 of the adopted development plan for the reasons I have set out in regard to the first main issue. These are important policies that form part of the plan's spatial strategy. However, and in the above context, they would be deemed out of date. I would accordingly reduce the weight I would attach to any conflict with them.
28. The provision of between one and six dwellings would make a small but nonetheless positive contribution towards housing supply. In addition, the proposal would also provide associated social and economic benefits. I have considered Paragraph 60 of the Framework which seeks to boost significantly the supply of housing. I have also considered Paragraph 69 of the Framework, which recognises the importance of small sites in meeting the housing requirement of the area. I give each of the benefits moderate weight. The location and situation of the appeal site also find support in paragraphs 79 and 105 of the Framework as I have explained.
29. With this in mind, I find that the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. There are therefore material considerations, specifically those relating to the appeal site's situation and circumstances and approach of the Framework, which indicate a decision other than in accordance with the development plan. The appeal should therefore be allowed. The PPG makes it clear that it is not possible for conditions to be attached to a grant of Permission in Principle, whose terms may only include the site location, type, and amount of development.

Lewis Condé

INSPECTOR