



Appeal Decision

Site visit made on 2 November 2021

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2022

Appeal Ref: APP/G1630/W/21/3279563

Land to the North of Shuthonger Garage, A38 Pages Lane to Church End Lane, Shuthonger, Tewkesbury GL20 6EH

- 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 Kim Bevan against the decision of Tewkesbury Borough Council.
 - The application Ref 20/01075/FUL, dated 3 November 2020, was refused by notice dated 1 July 2021.
 - The development proposed is Erection of 1no. self-build dwelling, with associated access and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Tewkesbury Borough Plan 2011-2031 (TBP) is an emerging plan but has reached an advanced stage in the examination process. Policies RES2, RES3, RES4 and RES5 are broadly consistent with the National Planning Policy Framework (the Framework) in that they seek to ensure that housing is delivered in sustainable locations and in a way that is sensitive to its surroundings. Therefore, in accordance with paragraph 48 of the Framework, I afford emerging Policies RES2, RES3, RES4 and RES5 of the TBP moderate weight.

Main Issues

3. The main issues are;
 - Whether the appeal site is in a suitable location for new housing, having regard to access to services and facilities; and
 - The effect of the proposal on the character and appearance of the area.

Reasons

Suitability of Location

4. The site is not in a rural service village as defined by Policy SD2 of the Joint Core Strategy (2017)(JCS). Policy SD10 of the JCS allows for infilling and includes all villages, not just those identified as service villages. However, Policy G2 of the Twyning Parish Neighbourhood Development Plan (2018)(NDP) is clear that infill is only appropriate within a defined development boundary. The appeal site does not fall within a defined development boundary.

5. Policy GD1 of the NDP allows for the provision of housing outside development boundaries where a future plan identifies an additional need for housing in Twyning. The Council submitted the draft Tewkesbury Borough Plan for examination, which in part responds to an additional need for housing land supply. In line with paragraph 48 of the Framework, I give moderate to the emerging plan given that it is at an advanced stage. Objections to relevant policies have been resolved. Emerging Policies RES2, RES3, RES4 and RES5 together allow very small-scale housing in the open countryside.
6. Whilst I consider that one dwelling would be proportionate to the size and function of the existing group of buildings, it would develop an area of land currently devoid of built form, it would not complement the form of the settlement nor would it relate well to existing buildings and pattern of development, all of which are requirements of RES4.
7. Reference has been made to the neighbouring development of 4 houses currently under construction however these are frontage development that respects the surrounding pattern of development. Reference has also been made to a development of 2 dwellings that gained approval at appeal, however this would provide development facing the highway and the site was already used for residential purposes.
8. During my site visit, I noted that the A38, from which the site will be accessed, does benefit from a pavement for parts of its length. However, the nearest local services are located in Twyning, approximately 1 mile from the site. This would require occupiers of the proposal to travel along either Church End Lane or Page's Lane, both narrow roads with no pavements or street lighting. Tewkesbury is located approximately 1.6 miles to the south of the site and is accessed via the A38. Whilst there is a pavement along the A38 this does not run all the way into Tewkesbury. Additionally, the road is unlit and to the south of the site the speed limit increases to 50mph. A bus stop is provided on the A38 however users would need to travel along the aforementioned road to reach this or cross this road when travelling in the opposite direction.
9. The distance between the site and these settlements, the narrow nature of the lanes and the lack of pavement and street lighting would discourage the occupiers of the proposed dwelling from walking or cycling to access shops, services, and facilities. Therefore, it is reasonable to conclude that occupiers of the proposed dwelling would be heavily reliant upon the use of a private car to access shops, services, and facilities, especially during the winter months when daylight hours are limited. This is the least sustainable travel option.
10. The proposal would not therefore provide a suitable location for housing having regard to the accessibility to services and facilities. As such, it would not accord Policy SD10 of the JCS, Policy GD1 of the NDP or Policies RES2, RES3, RES4 and RES5 of the TBP which, amongst other things, seek to protect the countryside from inappropriate development and reduce the need to travel by private car. It would also not meet the aims of paragraph 8 of the Framework in terms of ensuring accessible services and facilities.

Character and Appearance

11. The site is a triangular shaped piece of land that lies between properties fronting the A38 (four of which are under construction) and Church End Lane. It would be accessed via an existing access from the A38 which also provides

access to four further dwellings. The site is in a rural area between the small villages of Church End and Shuthonger. Large, modern detached houses fronting on to a highway in a linear pattern characterises the area and can be seen to either side of the site, along with mobile homes. Shuthonger Garage and car wash and a large caravan park are located to the south of the site.

12. As the proposed development would not directly address a street frontage, with the exception of the proposed access on to the A38, it would essentially represent a form of back land development. The predominant form of development in the area is frontage dwellings and buildings with direct access to the street. Whilst there are some buildings to the rear of dwellings, these appear to be ancillary structures and not separate residential dwellings.
13. The proposed development would not be readily visible from the A38, however would be visible when traveling along Church End Lane and from the adjacent public right of way. Whilst some landscaping has been proposed this would do little to screen the proposed development, which would appear as a stark addition against the backdrop of agricultural fields. Whilst the proposal would be grouped with existing buildings, its location to the rear of buildings, with no highway frontage, would be at odds with the prevailing pattern of development. As such, the proposal would not relate well to any of the existing dwellings and buildings harming the character and appearance of the area.
14. For the reasons above, I conclude that the proposal would harm the character and appearance of the area contrary to Policies SD4, SD6 and SD10 of the JCS, Policies GD3 and GD4 of the NDP and Policies RES4 and RES5 of the TBP which seek, amongst other things, to ensure that development is well related to existing buildings, respects the pattern of development and responds positively to the character of the site and its surroundings. The proposed development would also be at odds with paragraphs 130 of the Framework which seeks to ensure developments are visually attractive and sympathetic to local character.

Other Matters

15. The appellant suggests that the Council cannot demonstrate the supply of housing sites required by the Framework. If this were to be the case, I would be taken to paragraph 11 of the Framework. The most important policies would be out of date. I have found that the principle of the proposed development would be unacceptable, and it would be harmful to the character and appearance of the area. I would attach substantial weight to these matters given their effect would be wide ranging and long lasting. Paragraph 130 of the Framework requires that developments are visually attractive and sympathetic to local character.
16. As the erection of one dwelling, the proposal would make a very limited contribution to any housing undersupply. The scale of the scheme would accordingly limit its associated socio-economic benefits. This reduces the weight I would ascribe to them. Therefore, and in regard to the specific circumstances of this case, the adverse impacts of granting a planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. It would not therefore be sustainable development for which the presumption in favour applies.

17. The appellant also sets out that there is an undersupply of self build plots. If this is the case, and for the reasons I have set out, the establishment of what would only be a single self build plot would be set against a number of planning harms which, as I have said, would attract substantial weight. Whilst I have received a planning obligation to ensure that the proposal would be for self build, this would not overcome the harm identified, which would be wide ranging and long lasting. My conclusions would therefore not change.
18. Conditions have been suggested by the appellant. However, these would not be sufficient to overcome the harms I have found.

Conclusion

19. For the above reasons, there are no relevant material considerations, including the approach of the Framework, that would indicate a decision otherwise in accordance with the development plan. It is for this reason that the appeal should be dismissed

Tamsin Law

INSPECTOR