



Appeal Decision

Site visit made on 19 October 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/21/3279010

Brooklands Tewkesbury Road, Norton, Gloucester GL2 9LG

- 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 Robert Boote against the decision of Tewkesbury Borough Council.
 - The application Ref 21/00175/PIP, dated 4 February 2021, was refused by notice dated 24 May 2021.
 - The development proposed is described as permission in principle application for the development of up to 9no. dwellings.
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Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising a minimum of 1 and a maximum of 9 dwellings at Brooklands Tewkesbury Road, Norton, Gloucester GL2 9LG in accordance with the terms of the application, Ref 21/00175/PIP, dated 4 February 2021.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second stage ('technical details consent') is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.

Main Issue

4. The main issue is whether the location of the proposed development would be acceptable, having regard to the character and appearance of the area.

Reasons

5. The appeal site is an undeveloped parcel of agricultural land located to the west of the A38 and between the villages of Norton and Twigworth. Its boundaries are marked by mature hedgerows and landscaping to the north and east with the south and west being open. The A38 adjoins the site to the east and provides access. Norton and Twigworth are located approximately 0.5 miles

from the appeal site and a pavement runs the length of the A38 between both villages.

6. Whilst the site is currently a parcel of agricultural land, the wider area is characterised by clusters of buildings adjacent to the A38 lending a suburban character to the area. The tall mature hedgerow that runs along the A38 provides a pleasant buffer between the road and other built development but offers little view of the wider agricultural land.
7. Policy SP2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017 (JCS) controls the distribution of development in the area. Under the policy, the proposal is not within a rural service centre or service village and is subject to Policy SD10 of the JCS, which applies to residential development in other rural areas. Under Policy H1 of the Down Hatherley, Norton and Twigworth Neighbourhood Plan 2019 (NDP) proposals outside defined settlement boundaries are allowed as exceptions under policies in the JCS and in particular, Policy SD10 of the JCS.
8. Accordingly, Part ii of Policy SD10 of the JCS allows development where it would comprise infilling within existing built up areas of towns and villages. Additionally, Policy SD10 does not require development to be located within the settlement boundary but within a built up area.
9. During my site visit I noted that buildings had developed sporadically over time along the A38 between Norton and Twigworth. To the north of the site is a barn with newly constructed housing development and to the south is an area of open land that benefits from extant planning permission for 5 dwellings. Opposite the site is a row of detached dwellings which leads to a large cluster of dwellings on Broadclose Road.
10. Given the site's position amongst existing and proposed development it would be reasonable to conclude that the appeal site is in a built-up area. Additionally, both Norton and Twigworth are within 0.5 miles of the site and accessible via a fairly straight road served by a pavement, meaning that future occupiers could walk and cycle to nearby services and facilities.
11. There is a significant extent of mature hedgerow along the site frontage that screens it when views are taken from the east. As such, open views of the countryside are not currently available, and the field does not present itself as a gap in built form. The proposal would introduce nine dwellings at the site, that would tie into the built form to the north and the extant permission to the south and would be consistent with the wider pattern of development along the A38.
12. The submission details the retention of the hedgerow along the site frontage of this and the adjacent site, with a section removed for access. The retention of the hedgerow would largely screen the proposed dwellings from the wider area, in particular vehicles travelling along the A38. Nevertheless, when visible, the dwellings would be seen as part of the existing built development along the A38 and would not appear as prominent or discordant with the character and appearance of the area. The retention of the hedgerow also ensures that the pleasant buffer between development is retained.
13. For the reasons set out above, the proposed development would be in a suitable location for housing and would not harm the character and appearance

of the immediate and wider area. Accordingly, I find no conflict with Policies SP2, SD4, SD6 and SD10 of the JCS and Policies H1 and E2 of the NDP 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 comply with paragraphs 8 and 130 of the Framework which seek to ensure development is accessible to services and facilities and are visually attractive and sympathetic to local character.

Other Matters

14. The Council's ecological advisor sets out that the appeal site has the potential to affect wildlife habitat which could include protected species. I note the Council has not refused planning permission for this reason and mindful of the scope and extent of a planning permission for permission in principle, this is a matter which should be dealt with as part of a submission for technical details consent. The same would apply to any request to consider conditions in regard to a construction management plan.

Conclusion

15. The appeal scheme would accord with the development plan and there are no material considerations worthy of sufficient weight that would indicate a decision otherwise. The appeal should therefore be allowed.

Tamsin Law

INSPECTOR