



Appeal Decision

Site visit made on 22 March 2022

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 May 2022

Appeal Ref: APP/G1630/W/21/3288488

Dawleys Caravan Site, Owls End Lane, Twyning, Tewkesbury GL20 6EQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr A Robinson against Tewkesbury Borough Council.
 - The application Ref 21/00435/FUL, is dated 30 March 2021.
 - The development proposed is a replacement dwelling.
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Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary Matters

2. The appeal follows the Council's failure to determine the application within the prescribed period. However, the Council has indicated in its grounds of appeal, that had it been in a position to determine the application, it would have refused planning permission. Specifically, and this has informed the main issues of the appeal, their concerns relate to the design of the dwelling and the character and appearance of the area.

Main Issue

3. The effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site covers an area containing a modest bungalow and a parcel of land to its north east. The existing bungalow is located in a corner of Dawleys Caravan Site and is bound to the north and west by static caravans, the east by an outbuilding and to the south by a wooded area and agricultural land. The proposed replacement dwelling would be located approximately 70 metres to the north east of the existing dwelling. The proposed site is an area of elevated open land bound by agricultural land to the north, east and south and the access road and caravan park to the west. The site is accessed via an existing track that curves up the slope to a gravelled area where the proposed dwelling would be located.
5. The area is characterised predominantly by agricultural land uses and the change in topography as the land slopes down towards the River Severn. The character of the area is also influenced by the settlement of Twyning and other rural built development such as Dawleys Caravan site and other nearby caravan parks.

6. The appeal site does not fall within a defined development boundary. Policy SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017) (JCS) allows for housing development outside defined settlement boundaries where there are specific exceptions or circumstances defined by a district or neighbourhood. Policy GD1 of the Twyning Neighbourhood Development Plan (2018) (NDP) sets out exceptions where new housing outside the development boundary is supported, one such exception is for replacement dwellings.
7. The Council submitted the draft Tewkesbury Borough Plan 2011-2031 (TBP) for examination. In line with paragraph 48 of the Framework, I give moderate to the emerging plan given that it is at an advanced stage and objections to relevant policies have been resolved. Emerging Policy RES9, alongside Saved Policy HOU7 of the Tewkesbury Borough Local Plan (2006) (LP), allows for replacement dwellings outside defined settlement boundaries subject to a number of criterion including that it has no adverse impact on the landscape. Additionally, the reasoned justification for Policy RES9 advises that replacement dwellings outside the existing residential curtilage should only be permitted where there is visual, landscape, highway safety or other environmental grounds to justify an alternative location.
8. The proposal would see the demolition of the single storey dwelling and its replacement with, in effect, a two storey building with additional rooms in the roof space on an elevated area of open land. There is some gravel hardstanding and scattered storage of vehicles and two caravans on the area of land between the existing dwelling and appeal site. However, the appeal site has an undeveloped appearance and due to the separation distance and its elevated position appears as part of the surrounding open agricultural land rather than as part of the caravan site.
9. There are open views across the site and the surrounding area that can be appreciated from a number of vantage points, despite the presence of some boundary vegetation and planting. These include nearby public rights of way, nearby properties (including the occupiers of the caravan site) and from the road serving the caravan site. These views are attractive, providing visual links to the wider countryside. The open nature of the site makes a positive contribution to the prevailing rural character and appearance of the area.
10. Whilst being built into the slope of the land, the dwelling would be of noticeable substance and scale both in terms of the existing building and the pleasant open feel to the immediate area and wider landscape. It would be unduly prominent a feature due to its elevated position and, along with the associated domestic paraphernalia, it would reduce and therefore unacceptably damage the undeveloped appearance of the site. Combined with its visual and physical separation, the appeal scheme would represent an incongruous and dominant addition within the landscape, harming the character and appearance of the area. I have had regard to the additional planting proposed, however due to the elevated nature of the site, it would still be visible from a number of vantage points in the area and as such would not overcome the harm to the open and undeveloped character of the site.
11. With this in mind, the proposed development would conflict with TBP Policy RES9, LP Policy HOU7, JCS Policies SD4 and SD6 and NDP Policies GD3 and GD4 which seek, amongst other matters, to ensure that development has no

adverse impact on the landscape and respects the character of the site and its surroundings. The scheme would also fail to comply with paragraphs 130 and 174 of Framework where it requires developments to add to the overall quality of the area and in recognising the intrinsic character and beauty of the countryside.

Other Matters

12. It has been put to me that the existing dwelling is of a poor quality design and offers no positive contribution to the character and appearance of the area. Benefits of the proposed location have been put forward in that it would improve the living conditions for the occupiers and improve security at the caravan site whilst providing a high quality design that would enhance the area.
13. Due to its location in the corner of the site, its modest scale and single storey nature the existing dwelling is not visible from many vantage points in the area. Additionally its grouping on the same level with existing built form means it has a neutral impact on the character and appearance of the area.
14. I recognise the concerns regarding the security of the site and the potential improvement to the amenity of existing occupiers and the perceived improvement in design, and understand the appellant's rationale for the development. Nevertheless, those are essentially personal benefits, and my decision focusses on the acceptability of the scheme in the public interest. Moreover there is no robust evidence before me indicating that the appeal scheme is the sole means of achieving such benefits. The benefits of the scheme do not therefore outweigh the harm arising

Conclusion

15. For the above reasons given above, having considered the development plan as a whole, the approach of the Framework and all other relevant material considerations, the appeal should be dismissed.

Tamsin Law

INSPECTOR