



Appeal Decision

Site visit made on 5 July 2022

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 July 2022

Appeal Ref: APP/G1630/W/22/3294458

Fieldview Bungalow, Tewkesbury Road, The Leigh, Gloucester GL19 4AA

- 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 Baker (Pearman Briggs) against Tewkesbury Borough Council.
 - The application Ref 21/01143/FUL, is dated 7 September 2021.
 - The development proposed is extension to vehicle display area.
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Decision

1. The appeal is dismissed and planning permission for extension to vehicle display area is refused.

Application for costs

2. An application for costs has been made by Mr A Baker (Pearman Briggs) against Tewkesbury Borough Council. This application is the subject of a separate Decision.

Preliminary Matter

3. Since the appeal was lodged, the Council has adopted the Tewkesbury Borough Plan 2011-2031 (TBP), which now forms part of the development plan for the appeal site. The Council has provided copies of the TBP policies which it considers are relevant to the appeal and the appellant has had the opportunity to submit comments. I have taken the TBP policies into account.

Main Issues

4. The Council has made no decision on the application leading to this appeal. However, in light of the appeal submissions, the main issues are (i) the effect of the development on the character and appearance of the area, (ii) the effect on natural features, and (iii) its effect in terms of flooding as well as water and ground pollution.

Reasons

Character and appearance

5. The appeal site forms the front part of a property used for the display, sale and repair of motorhomes. It contains a grassed area with trees and shrub planting as well as a low wall with railings along the roadside boundary. The proposal would involve removing the grassed strip, trees and planting so as to extend the existing motorhome display area.

6. Reference is made to the site lying in a landscape protection zone although it is unclear whether this is still the case following the adoption of the TBP. In any event, the surroundings to the appeal property have a significant rural feel due to roadside vegetation and extensive views of fields and woodland.
7. The rows of motorhomes at the appeal property are at odds with, and so undermine, the rural qualities of the locality. The trees provide a small degree of screening but due to the wide gaps and the relatively high canopies, motorhomes are clearly seen from the road to the front. To this extent, the appeal property as it stands is incompatible with its surroundings.
8. However, when away from the site frontage, vehicles on the parking area are generally unseen from the road. This is partly due to the screening effect of vegetation alongside the road but also because of the position of the motorhomes behind the grassed area and away from the front boundary. The proposal would lead to motorhomes being visible from greater distances in both directions along the road as it would allow parking further forward on the plot.
9. The proposed display area would be small compared to the existing parking space. Also, hedgerow on the side boundaries of the site would be maintained to provide a degree of screening. Nonetheless, the increased visibility of motorhomes from public vantage points would heighten the incongruity of the appeal property to its countryside location. As such, the development would not respond positively to its surroundings.
10. Planning permission exists for the provision of hardstanding to provide an extended vehicular display area. The implementation of these approved works is a realistic prospect in the event that this appeal is dismissed and so it constitutes a fallback position. However, the permitted display area would be smaller than that currently proposed and it would not extend to the front wall. As such, the proposal would have a greater effect compared to that already allowed in terms of the visibility of motorhomes. Accordingly, the fallback position fails to justify the identified harm.
11. For these reasons, I conclude the development would have a detrimental effect on the character and appearance of the area. In these regards, it would not accord with policies SD4 and SD6 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017 (JCS). Amongst other things, these aim to ensure development protects landscape character.

Natural features

12. JCS policy INF3 seeks to conserve green infrastructure. Also, TBP policy NAT1 generally seeks to protect features of importance to environmental quality, although it permits the loss of such features in certain circumstances. The policy justification explains that TBP policy NAT1 covers trees which are considered to be of sufficient value.
13. Given its restricted size, the grass strip makes only a very small contribution towards any network of high quality green spaces. Also, the trees to be removed are small and spaced out and so are relatively unimportant when compared to the much larger trees nearby. As such, the landscape strip as a whole makes only a limited contribution towards the natural qualities of the area.

14. The proposal would bring benefits to the business in terms of increasing the motorhome display area and enabling it to operate more efficiently. Such benefits would outweigh the limited harm caused through the loss of trees and green space. Therefore, I conclude the development would not have an unacceptable effect on natural features and in these regards, it would accord with JCS policy INF3 and TBP policy NAT1.

Flooding, water and ground pollution

15. The Council is concerned that extra macadam hardstanding would increase surface water run-off and so cause additional flood risk. Also, there is concern surface water run-off would cause pollution associated with vehicular discharge.
16. The appellant claims the existing grassed area lies on top of an existing macadam surface and so the development would not increase the impermeable area. The Council dispute whether this is the case and without any ground investigations, there is an element of uncertainty on the matter.
17. In any event, there is no firm indication that the proposed display area would be surfaced with macadam. Indeed, the appellant accepts a planning condition that would require the area to be surfaced with a permeable material and to be subject to a scheme of pollution control. Such a condition would be reasonable given the uncertainty over the existing ground conditions and it would limit surface water run-off and associated pollution.
18. Therefore, I conclude the development would not cause harm in respect of flooding or water and ground contamination. In these respects, it would accord with JCS policy INF2 and TBP policy ENV2. Amongst other matters, these seek to minimise flood risk and to protect ground water quality.

Planning Balance

19. In line with the National Planning Policy Framework, JCS and TBP policies generally support the expansion of businesses. I have already found that the benefits of the development in these regards would outweigh the loss of natural features.
20. However, the harm identified in respect of the first main issue means the scheme would not accord with the development plan policies when read as a whole. Moreover, it would conflict with the aims of the Framework to ensure development adds to the overall quality of the area and is sympathetic to local character and setting. On consideration of all relevant factors, I find the proposal's benefits would not outweigh the identified harm. Therefore, insufficient justification exists to grant planning permission contrary to the development plan.

Conclusion

21. For the reasons given above, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR