



Appeal Decision

Site visit made on 12 August 2022

by James Blackwell LLB (Hons) PgDip

an Inspector appointed by the Secretary of State

Decision date: 23rd August 2022

Appeal Ref: APP/G1630/W/22/3291784

Land adjacent Blenheim Way, Shurdington, Cheltenham GL51 4TF

- 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 John Winson against the decision of Tewkesbury Borough Council.
 - The application Ref 21/01312/PIP, dated 28 October 2021, was refused by notice dated 21 December 2021.
 - The development proposed is erection of a single infill dwelling.
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Decision

1. The appeal is allowed and permission in principle is granted for the erection of a single dwelling at land adjacent to Blenheim Way, Shurdington, Cheltenham GL51 4TF in accordance with the terms of the application, Ref 21/01312/PIP, dated 28 October 2021.

Applications for Costs

2. An application for costs has been submitted by Mr John Winson against Tewkesbury Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. 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 2 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 2 stages.
4. 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

5. In this context, the main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

6. The appeal site comprises a parcel of land on the western side of School Lane, which sits on the outer edge of the village of Shurdington. The eastern part of the appeal site fronts on to School Lane, and forms a small gap within the lane's built-up frontage. The rear of the site includes a small section of agricultural field, the bulk of which runs behind the dwellings on the western side of the lane. The site falls within the Green Belt.
7. The National Planning Policy Framework (2021) (Framework) is explicit that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to say that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions set out in paragraph 149. One such exception comprises "*limited infilling in villages*".
8. Much of the appeal site is located between two existing residential dwellings, being Blenheim Way to the south, and Phoenix Meadow to the north. Blenheim Way comprises part of a ribbon of houses which runs along the western side of School Lane. Phoenix Meadow is the final house on the western side of the lane, but is sited further back than the main ribbon of houses, owing to a bend at the northern end of the lane. Residential housing also runs along the opposite side of the lane. The lane is therefore distinctly residential in character, with a built-up frontage running along the substantive part of each side.
9. Given this location, the proposed dwelling would be flanked on either side by existing dwellings and would also face houses on the opposite side of the road. As a result, it would relate well to the existing pattern of development along the road, assimilating effectively with the wider street scene. When viewed from the more open fields to the west, the proposal would also be read within the context of surrounding residential development, which would again allow it to integrate effectively within the existing built fabric of the village. Given this surrounding context, I consider that the proposed development would constitute infill development, as envisioned by the Framework.
10. Whilst part of the appeal site does extend into the agricultural field to the west of the lane, the plot would broadly align with the curtilage of the neighbouring dwelling, Phoenix Meadow. In turn, an additional dwelling in this location would help form an effective transition between Phoenix Meadow and the ribbon of houses to the south. Given that the appeal site would front on to School Lane (which is within Shurdington), the new dwelling would also be perceived as part of the built-up fabric of the village, irrespective of any defined settlement boundaries (much like Phoenix Meadow).
11. As the proposal would constitute infill, it would fall within one of the permitted exceptions to development in the Green Belt, and would therefore not be inappropriate. In this regard, the appeal site's location would be suitable for a single residential dwelling. Whilst detail of the proposal would be reserved for the Technical Details Consent stage, the development could conceivably reflect the design parameters of Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2011 – 2031) (JCS), which require new development to respond positively to the character of the site and its

surroundings, by addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form.

Other Matters

12. Whilst concerns have been raised by local residents with regard to scale, design, parking, highway safety and flood risk, these are all matters that would be addressed at the Technical Details Consent Stage. The appeal application only seeks to establish the principle of a single dwelling in the proposed location.
13. The Council cannot demonstrate a five-year supply of deliverable housing land and has failed to meet the Housing Delivery Test, which means its policies relating to delivery of housing are out of date. Paragraph 11(d)(ii) of the Framework (the “tilted balance”) is therefore engaged. Nonetheless, paragraph 219 of the Framework is clear that due weight should still be given to existing policies according to their degree of consistency with the Framework.
14. The principle of residential development within Shurdington is supported by Policies SP1 and SP2 of the JCS, which set out the strategic housing objectives for these district areas. Indeed, Shurdington is referred to in a list of service villages within Tewkesbury in Policy SP2, which are collectively required to deliver 880 new homes over the plan period. The proposal would also be consistent with Policy SD10 of the JCS, which permits infill (described as “*the development of an under-developed plot well related to existing built development*”) within these service villages. Moreover, as infill, the development would not unduly encroach into the open countryside, and would therefore align with Policy SP6 of the JCS, which seeks to protect the intrinsic beauty of the surrounding landscape.
15. Whilst part of the appeal site does fall outside of the settlement boundary for Shurdington (as set out in the Pre-Submission Tewkesbury Borough Plan (2011 – 2031) (Emerging Borough Plan)), the proposal would broadly align with the underlying housing and sustainability objectives of Policies RES2 and RES5, which again support the principle of residential development within service villages. Indeed, the development would integrate effectively with the built fabric of the village, owing to its close relationship with the existing built-up frontage along School Lane. In turn, it would reflect the criteria for edge of settlement development set out in Policy RES5, which say development in such locations should respect the form of the settlement and its landscape setting, without leading to unacceptable intrusion into the countryside.
16. The policies relating to housing delivery in both the JCS and the Emerging Borough Plan are consistent with the Framework’s overarching objectives of promoting good design, responding properly to local character, and boosting housing supply. The content of these Policies also aligns with the Framework’s infill exception criteria within the Green Belt. Irrespective of the Council’s housing land supply position, the proposal is therefore supported by local policy, and the content of the Framework.

Conclusion

17. The principle of a single residential dwelling in the location proposed is supported by relevant policies within the JCS and the Framework. Therefore, and for the reasons given above, the appeal should be allowed.

James Blackwell

INSPECTOR