



Appeal Decision

Site visit made on 7 February 2023

by Helen Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 March 2023

Appeal Ref: APP/G1630/W/22/3307174

Siwa, Gretton Fields, Gretton, Cheltenham GL54 5HH

- 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 Mr Gordon Gilder against the decision of Tewkesbury Borough Council.
 - The application Ref 21/00960/FUL, dated 24 June 2021, was refused by notice dated 18 March 2022.
 - The development proposed is 4no. detached dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the planning application ref: 21/00960/FUL was refused on 18 March 2022, the Council has formally adopted the Tewkesbury Borough Plan 2011 to 2031 on 8 June 2022. The main parties are aware of this and have had the opportunity to comment on this during the appeal process. I have therefore determined the appeal in regard to the development plan at the time.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area, including the Special Landscape Area;
 - whether the site is a suitable location for the proposal having regard to local and national policy, and the accessibility of the site to services and facilities; and
 - whether insufficient information has been provided to determine the effect of the proposal on protected species.

Reasons

Character and Appearance

4. The appeal site consists of an existing two-storey detached dwelling sited on a spacious plot. The site is situated in a small hamlet of dwellings in Gretton Fields, located between Gretton and Alderton. It is located within a Special Landscape Area.
5. The prevailing pattern of development nearby is characterised by residential properties with long private rear gardens positioned on the eastern side of

- Gretton Fields road. The existing development is predominantly linear in form with dwellings fronting the road.
6. The proposal would demolish the existing dwelling and erect 4 detached dwellings. These proposed dwellings would be orientated away from Gretton Fields road and would therefore not have a street fronting presence along the road. In addition, the proposal would extend deeper into the plot than the existing dwelling, creating a tandem development that would alter the established linear built form and rear garden environment.
 7. Furthermore, the proposal would subdivide the existing plot into four separate plots for each of the proposed dwellings. These plots would be smaller in comparison to the neighbouring residential plots, which would result in the proposal appearing disproportionate and at odds with the prevailing pattern of development in the locality. In addition, the domestic garden paraphernalia that would likely be associated with the proposed dwellings would further erode the rural character and openness of the area.
 8. I acknowledge that the proposal would provide a range of house sizes and layouts and the smaller plot sizes might be attractive to some forms of modern day living. However, the proposed development would increase the overall level and prominence of built form on the appeal site by a marked degree which would substantially reduce the sense of space and openness of the appeal site and area.
 9. Consequently, the siting and mass of the proposed development would be out of keeping with the prevailing pattern of the existing residential development in the area. The proposal would create an incongruous form of development adjacent to a well-established rear garden environment and would not respond positively to the overriding spacious character of the area.
 10. Whilst the existing trees and vegetation bordering the site would provide some degree of screening and additional landscaping could be secured by condition, the proposal would nevertheless be visible from the site entrance, and in views from neighbouring properties. Therefore, the proposal would be a visually intrusive form of development that would unacceptably detract from the rural appearance of the surrounding area.
 11. The appeal site forms part of a relatively level landscape within this area of the Special Landscape Area (SLA). Nevertheless, the proposed development would introduce a significant extent of built form and roofscape into views from Gretton Fields. Although not visually jarring to the wider landscape, the roofscape views of the development would still appear conspicuous relative to the more limited scale of the existing built form on the appeal site and the neighbouring residential plots. Given the scale of the scheme, I consider there would be moderate harm to the SLA.
 12. My attention is drawn to a nearby commercial site that is visible from Gretton Fields and extends beyond the prevailing rear building line of existing development. However, this commercial site comprises former agricultural buildings that, given the surrounding rural area, do not look out of place. Therefore, this commercial site is not directly comparable to the proposal before me. In any event, I have determined this appeal on its own merits.

13. My attention is also drawn to a previously approved scheme at Laburnum (17/00268/FUL). However, this other scheme involved the demolition of commercial car repairs garage buildings and the erection of two single dwellings with associated garages, parking and access. Therefore, this other scheme was positioned on the site of the former commercial car repairs garage buildings, thereby replacing an existing built form. Thus, this previous approval is not directly comparable to the current appeal, which would increase the amount of built form on the appeal site. Its relevance is therefore limited for the purposes of my determination of this appeal.
14. For the above reasons, the proposal would cause unacceptable harm to the character and appearance of the area, including the Special Landscape Area. Accordingly, it would fail to accord with Policies SD4 and SD6 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017) (CS), and Policy RES5 of the Tewkesbury Borough Plan 2011-2031 (2022) (TBP). Collectively, these policies amongst other things, seek to ensure development responds positively to the local character and local distinctiveness of the area, and has regard to the landscape character of the locality. In addition, the proposal would fail to accord with the design objectives of the Framework.

Suitability of Location

15. Policy SP2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017) (CS) sets out the distribution of new development and the settlement hierarchy. It states that development will be focused at Gloucester and Cheltenham, including urban extensions to these areas. To meet the needs of Tewkesbury Borough, the majority of housing is to be provided through existing commitments, development at Tewkesbury town in line with its role as a market town, smaller-scale development meeting local needs at Rural Service Centres and Service Villages, and sites covered by any Memoranda of Agreement.
16. Policy SD10 of the CS states that housing development will be permitted at sites allocated for housing through the development plan, including Strategic allocations and allocations in district and neighbourhood plans. On sites that are not allocated, a range of specific circumstances where housing development will be permitted are identified. Part 4ii) of the policy relates to infilling within the existing built-up areas of the City of Gloucester, the Principal Urban Area of Cheltenham or Tewkesbury Borough's towns and villages except where otherwise restricted by policies within District plans. Paragraph 4.10.5 of the CS defines infill development as "the development of an under-developed plot well related to existing built development".
17. Policy RES3 of the TBP sets out the circumstances where planning permission for new housing outside settlement boundaries would be considered acceptable.
18. The proposal is for open market housing that would be located outside any defined development boundary and, consequently, would be within an area of open countryside.
19. The appeal site does have buildings either side and the proposal would form part of a built-up frontage. Nevertheless, the appeal site is a plot of land within a ribbon of development that is physically separated by open fields from the nearest settlement of Gretton. Moreover, the ribbon of development does not

- extend out from any defined settlement. Therefore, although the site is located near to settlements, it is not physically or functionally attached to them. As such, the proposal would not infill a gap in an existing built-up part of a village or settlement as defined by Policy SD10.
20. Furthermore, the proposal would not meet criterion 3 of Policy RES3, which states a “very small scale development at rural settlement in accordance with Policy RES4”. This is because the site is clearly detached from the continuous built-up area of the nearest settlement of Gretton. In addition, the tandem layout of the proposed development would not complement the predominant existing built form.
21. Therefore, the proposal would not meet any of the specified circumstances set out in Policy SD10 and Policy RES3. As such, the proposal conflicts with the locational strategy of the development plan.
22. My attention has been drawn to a recent appeal decision for a site in Gretton. However, I have not been provided with the details of this other case to enable me to draw a comparison with the current appeal before me. On this basis, I cannot conclude with any certainty that this other development would be directly comparable to the proposal before me, which is not located within Gretton. Therefore, I attach little weight to it.
23. The nearest settlement to the appeal site is Gretton, around 1.5km away. Alderton is located further away to the north. To access services and facilities in these settlements, the occupants of the proposed dwellings would have to walk and cycle along Gretton Fields road. Along the road, the occupants would have to share the carriageway with vehicles, as there are no footpaths or street lighting. The unlit nature of this road and the lack of footpaths would limit the prospect of future occupants of the proposed development using them to regularly access a range of services and facilities year-round. In addition, the roads are narrow with no cycle lanes. The use of the road for cyclists would therefore be unattractive, particularly outside of daylight hours or during inclement weather.
24. Whilst bus services operate in the area, I have not been provided with a timetable and so cannot be certain that the routes or timings would be viable for the typical daily needs of future occupiers. Furthermore, the lack of footpaths from the appeal site to access the bus stops, combined with the absence of street lighting, is likely to deter occupants from using the bus services. Similarly, the lack of footpaths and lighting would deter people from using these routes to access the train station.
25. For the reasons above, essential services and facilities, and public transport, would not be readily accessible from the appeal site. Therefore, the occupants would be largely reliant on private vehicles to access essential services and facilities, due to the lack of safe pedestrian and cycle routes and having limited options for alternative modes of sustainable transport.
26. Whilst I accept that the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, it also states that development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. It does not justify locating development in an

inherently unsustainable location. Given my findings above, there would be conflict with the Framework in these respects.

27. The appellant has drawn my attention to a previously approved residential development at Laburnum, Gretton Fields (17/00268/FUL). However, the appeal site is not located within easy walking and cycling distance to local services and facilities, and access by public transport would be difficult for the reasons given above. Therefore, this other permission does not alter my decision.
28. My attention has also been drawn to a previous planning permission for short-term holiday accommodation (21/00981/FUL). However, permanent residential development would involve all year-round use of the appeal site compared to holiday accommodation, which is likely to operate as seasonal use. Therefore, this other development is not directly comparable to the proposal before me.
29. As such, this site is not a suitable location for the proposal having regard to local and national planning policy, and the accessibility of the site to services and facilities. The proposal fails to accord with Policies SP2 and SD10 of the CS, and Policy RES3 of the TBP. In addition, the proposal would fail to accord with Policies SD4 and INF1 of the CS. Amongst other things, these policies seek to limit development in the open countryside and minimise less sustainable forms of travel when accessing local services and facilities. For similar reasons the proposal would also fail to accord with the sustainability objectives of the Framework, to which I attach substantial weight.

Protected Species

30. The appellant has submitted a report titled 'Bat Surveys & Mitigation for SIWA, Gretton Fields', dated 12 September 2022. The Council has confirmed in its Statement of Case that the appellant's bat survey report satisfies its concerns regarding protected species, subject to the appellant implementing the mitigation measures set out within the bat survey. The Council suggests that the relevant mitigation measures set out in section 4 of the report could be secured by condition and, in the absence of any persuasive evidence to the contrary, I have no reason to form a different view.
31. Consequently, for this main issue, I find no conflict with the Framework or Policies SD9 of the CS, and Policy NAT1 of the TBP. Collectively, these policies amongst other things, seeks to ensure development identifies and safeguards protected species.

Other Matters

32. The proposal would make a contribution to the delivery of housing for the area. However, given the small scale of the proposal, it would not outweigh the harm identified.
33. Letters of objection have been received from local residents. In addition to matters I have addressed above, the letters of objection raised concerns including risk of flooding, drainage and living conditions of neighbouring occupiers. These factors are not in dispute between the main parties and were addressed in the Officer's report, with the Council concluding that there would be no material harm in these regards. No substantiated evidence has been submitted that leads me to any different view.

Planning Balance

34. Although there would be some benefits to the proposal, as set out above, these benefits would attract only limited weight and would not outweigh the harm identified.
35. The appellant claims that the Council does not have a 5-year housing land supply (5YHLS), although no substantiated evidence is provided in support of this claim. The Council indicate that they have a housing land supply of 5.9 years, including a 5% buffer. Nevertheless, even if I were to conclude there is a shortfall in the 5-year housing land supply, the harm I have found arising from this proposal is so significant that the adverse impacts of granting permission relating to the main issues for character and appearance and suitability of location would significantly and demonstrably outweigh the benefits, when assessed against the policies and the Framework taken as a whole. Therefore, the proposal would not benefit from the presumption in favour of sustainable development.

Conclusion

36. The proposal conflicts with the development plan as a whole, and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal is therefore dismissed.

Helen Smith

INSPECTOR