



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: 16 March 2023

Appeal Ref: APP/G1630/W/22/3308688

Land between Southrise and Kerrs Hill, Bushcombe Lane, Woodmancote, Cheltenham GL52 9QL

- 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 and Mrs P Murphy against the decision of Tewkesbury Borough Council.
 - The application Ref 21/00630/FUL, dated 14 May 2021, was refused by notice dated 27 May 2022.
 - The development proposed is described as "erection of a single detached infill dwelling and vehicular access."
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Decision

1. The appeal is allowed and planning permission is granted for 'erection of a single detached infill dwelling and vehicular access' at Land between Southrise and Kerrs Hill, Bushcombe Lane, Woodmancote, Cheltenham GL52 9QL in accordance with the terms of the application, Ref 21/00630/FUL, dated 14 May 2021, subject to the conditions in the attached schedule.

Preliminary Matters

2. Since the planning application ref: 21/00630/FUL was refused on 27 May 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 proposal's effect on the Cotswolds Area of Outstanding Natural Beauty (AONB); and
 - whether the site is a suitable location for the proposal having regard to local and national policy.

Reasons

Cotswolds Area of Outstanding Natural Beauty (AONB)

4. The appeal site is a plot of undeveloped land located to the eastern side of Bushcombe Lane, Woodmancote within the AONB. The site slopes from north to south and is positioned between two existing dwellings known as Kerrs Hill and

South Rise, with open agricultural land to the east. Bushcombe Lane is characterised by large detached dwellings set within spacious plots.

5. The AONB is broadly characterised by its tranquil setting with gentle rolling hills and extensive views of low-lying agricultural landscape, which accentuates its rural character. The undeveloped nature of the appeal site contributes positively to this rural character. Development in the countryside must conserve and enhance the landscape and scenic beauty of the AONB, as required by Paragraph 176 of the National Planning Policy Framework (Framework) and is a material consideration to which I attach great weight.
6. The proposal is for the erection of a single detached dwelling with vehicular access onto Bushcombe Lane.
7. The Council consider the proposal would be harmful to the AONB due to its design, scale and siting. However, the proposal would be positioned within a row of ribbon development and would be enclosed by existing built form on two of its sides. It would also be sited near to existing development on the other side of Bushcombe Lane. As such, the proposal would not appear prominent in views from outside the site, due to the site's close proximity to existing built form.
8. In addition, the neighbouring dwellings have a varied design and built form. I observed during my site visit that the neighbouring dwelling at 'South Rise' has a contemporary design and is positioned on higher ground to the appeal site. In this context, the proposed dwelling, which also has a contemporary design, would appear sympathetic to, and integrate with the existing built development along Bushcombe Lane.
9. Although the green gap between the existing built form would be closed, the proposed development for one dwelling would be of small scale and the mature vegetation to the site's boundaries would obscure views from the wider area. Therefore, the proposal would be visually contained.
10. In addition, the appellant has submitted an AONB Impact Assessment (dated July 2022) which demonstrates the concealed nature of the appeal site and the fact that it is read along with the swathe of built form along Bushcombe Lane. This evidence is robust and attracts substantial weight in this appeal. The findings of the assessment have not been contested by the Council and I have not been presented with any counter evidence to refute it.
11. Consequently, the proposed dwelling and any associated domestic garden paraphernalia would be seen within the context of the existing residential buildings. Given the siting and scope of the development and its immediate residential context, I find that there would be no adverse impacts to the AONB and that as such its landscape and scenic beauty would be conserved.
12. Therefore, for this main issue, the proposal would accord with Policy SD7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017), and the Cotswolds AONB Management Plan 2013-2018. Amongst other things, these seek to conserve and enhance the landscape and scenic beauty of the AONB. In addition, the proposal would not conflict with the Framework (paragraph 176) in so far as it seeks to ensure that developments respect and enhance the AONBs.

Suitable Location

13. 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.
14. 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."
15. Policy RES3 of the TBP sets out the circumstances where planning permission for new housing outside settlement boundaries would be considered acceptable. The policy circumstances include very small scale development at rural settlements in accordance with Policy RES4.
16. Although the appeal site is within countryside, it is located within an established residential ribbon development along Bushcombe Lane. Moreover, the ribbon development stretches out from the settlement of Woodmancote where a wide range of essential services and facilities, including supermarkets, schools, and doctor's surgery can be found. Therefore, the site's accessibility to essential services and facilities is good, and the way they would be accessed by future occupant's is unlikely to be significantly different to nearby residents.
17. Furthermore, the proposal would have existing buildings either side and would therefore form part of and be well related to the existing ribbon development. In addition, the proposal would be of a scale that would be proportionate to the existing development. As such, the proposal would infill a gap within an existing built development that is physically and functionally attached to the settlement of Woodmancote.
18. Consequently, the proposal would accord with policies SP2 and SD10 of the CS, and RES3 of the TBP. Amongst other things, these policies focus new development within a sustainable pattern of development and settlement hierarchy, and generally secure sustainable development in line with national policy.

Other Matters

19. There is dispute between the main parties as to whether the Council can demonstrate a five-year housing land supply. However, as I am allowing this appeal for the reasons above, I do not need to consider this matter further.

20. I acknowledge that there were a number of representations, including those by the Parish Council in respect of the proposal, which in addition to the main issues included concerns relating to biodiversity, dark skies, flood risk and drainage issues. However, given my finding above, and the suggested conditions provided by the Council, I have found no justification to dismiss the appeal or the benefits associated with the provision of one new dwelling.
21. Reference has been made to the Toby Jones Landscape Sensitivity Study (2014) and parcel 'Wood03' identified as having high landscape sensitivity. However, the appeal site does not form part of Wood03. I therefore attribute minimal weight to these concerns.
22. Highway and pedestrian safety have been cited as a concern, but the Council and the relevant highway authority have raised no objection, subject to appropriate conditions which are included in the schedule. I have no reason to form a different view.
23. My attention has been drawn to previously approved schemes. However, full details of these other cases are not before me. I do not know the planning circumstances that led to their approval or the specific relationship to the sites. In any event, I have determined this appeal on its own merits.
24. The Parish Council refer me to the Woodmancote Neighbourhood Plan (NP). However, this NP has not yet reached referendum stage and therefore is not formally 'made'. My attention has been drawn to Policy 3 of the emerging NP. I note Policy 3 states that proposals will be assessed against the policies in the NPPF, adopted Policy SD10 of the CS, and adopted Policies RES3 and RES4 of the TBP. For the reasons given above, I find the proposal does not conflict with these policies.
25. My attention has been drawn to Policy RES4 of the TBP which refers to a 5% growth. Whilst the Parish Council has indicated previous planning permissions involving 12 dwellings, the majority of these are located at Cleeve Hill village and not the area of settlement around Bushcombe Lane. I find that the proposal would not have a significant adverse cumulative impact having regard to other developments, and I have not been presented with any substantive evidence to indicate otherwise.

Conditions

26. The Council has suggested conditions which I have considered, making amendments where necessary in the interests of clarity and consistency, and to ensure compliance with the tests contained in the Planning Practice Guidance and paragraph 56 of the Framework.
27. In addition to standard time, a plans condition is necessary for the interests of certainty. A materials condition is appropriate to ensure that those used are in keeping with the area. This is worded as a pre-commencement condition to safeguard the appearance of the building and visual amenities of the locality.
28. Conditions relating to hard and soft landscaping have been imposed to ensure the satisfactory appearance of the development.
29. Conditions are also warranted on the provisions of an ecological mitigation and enhancement scheme and to identify and ensure the survival and protection of important species and those protected by legislation. This is worded as a pre-

commencement condition so that the approved scheme is implemented prior to ground disturbance. A condition relating to lighting is also necessary to ensure external lighting does not adversely impact wildlife and protected species.

30. A condition relating to vehicular parking and turning area is necessary for highway safety reasons. Conditions relating to cycle storage and an outside electrical socket are appropriate to comply with the sustainability principles of local and national policy.

31. I have also imposed a condition to ensure that the development is provided with a satisfactory means of drainage.

Conclusion

32. For the reasons given, and having regard to all other matters raised, I conclude that the appeal is allowed.

Helen Smith

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site location plan – 0020 PL-001, dated: February 2021
 - Existing Site and Block Plan – 0020 PL-002A, dated February 2021
 - Proposed Site and Block Plan – 0020 PL-102A, dated February 2021
 - Proposed Lower Ground Floor Plan – 0020 PL-110, dated February 2021
 - Proposed Ground Floor Plan – 0020 PL-111, dated February 2021
 - Proposed First Floor Plan – 0020 PL-112, dated February 2021
 - Proposed Roof Plan – 0020 PL-113, dated February 2021
 - Proposed South Elevation – 0020 PL-120A, dated February 2021
 - Proposed West Elevation – 0020 PL-121, dated February 2021
 - Proposed North Elevation – 0020 PL-122, dated February 2021
 - Proposed East Elevation – 0020 PL-123, dated February 2021
 - Proposed Site Sections – 0020 PL-130A, dated February 2021
 - Proposed Entrance and Visibility Study – 0020 PL-200, February 2021
 - Proposed Visuals – 0020 PL-300, February 2021
- 3) No development shall commence until details/samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details/samples.
- 4) Before the development is first occupied or brought into use details of both hard and soft landscape works, including details of the species for proposed tree and hedge planting, shall be submitted to and approved in writing by the local planning authority. The landscaping works shall be carried out in accordance with the approved details before the development is first occupied. The scheme shall be managed and/or maintained in accordance with the approved scheme.
- 5) Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year defects period.
- 6) The recommendations within the Preliminary Ecological Appraisal prepared by Focus Environmental Consultants (dated May 2021) shall be adhered to, including the retention of hedgerow and tree habitats.
- 7) Prior to commencement of the development, an ecological mitigation and enhancement scheme shall be submitted to and approved in writing by the local planning authority. It shall include recommendations to retain habitats of ecological importance and to enhance the site for wildlife. This shall include a Reasonable Avoidance Measures (RAMS) for reptiles as a precautionary measure.

- 8) No external lighting shall be installed upon the building or within the site without the prior written permission of the local planning authority.
- 9) No building or use hereby permitted shall be occupied until the car/vehicle parking area and turning space have been constructed and completed in accordance with the approved plans and thereafter the area shall be kept free of obstruction and available for parking of vehicles associated with the development.
- 10) Prior to first occupation, details for the provision of cycle storage for a minimum of 2 bicycles, shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and retained thereafter.
- 11) Prior to first occupation, provisions shall be made to facilitate an outside electrical socket to be supplied at the property to enable ease of installation of an electrical vehicle charging point. It shall thereafter be retained.
- 12) No building works hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. The information submitted shall be in accordance with the principles set out in the approved drainage strategy. Before any details are submitted to the local planning authority, an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The SuDS Manual, CIRIA C753 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters.

****End of Conditions****