



Appeal Decision

Site visit made on 28 March 2023

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 April 2023

Appeal Ref: APP/C1625/W/22/3304353

Land off Witminster Lane, Frampton on Severn, Gloucestershire GL2 7PR

- 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 Ms Jazmin Scanlan against Stroud District Council.
 - The application Ref S.21/2987/FUL, is dated 13 December 2021.
 - The development proposed is the construction of 2 no semi-detached dwellings and associated landscaping works.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would be in a suitable location, having regard to local and national policies which seek to manage the location of new development and access to services.

Reasons

3. The appeal site comprises an enclosed paddock positioned between two residential dwellings in the hamlet of Oatfield. The hamlet is situated outside the defined settlement limit of Frampton on Severn (Frampton), located, according to the appellant, around 270m to the south west.
4. Oatfield is not, in the terms of the Local Plan¹, a defined settlement. Accordingly, the appeal site, along with the hamlet is classed as open countryside.
5. Policy CP15 of the Local Plan states that in order to protect the separate identity of settlements and the quality of the countryside, proposals outside identified settlement development limits will not be permitted except where they meet at least one of the six named exceptions. The proposal would result in the construction of two dwellings in the open countryside, and as it fails to meet any of the named exceptions, the proposal would conflict with Policy CP15 of the Local Plan.
6. Policy CP13 of the Local Plan relates to demand management and sustainable travel measures and seeks that, in all development cases, schemes should have a choice in the mode of transport available which minimise the distance

¹ Stroud District Local Plan, adopted November 2015

people need to travel. Proposals will be supported where they meet a set list of criteria, including being located near to essential services and good transport links to services by means other than motor car, and with safe and convenient accesses on foot and by cycle with suitable connections with existing footways, local facilities, and public transport.

7. Nearby Frampton is a large village identified in Policy CP3 of the Local Plan as being a 'Second-Tier' settlement, which have the ability to support sustainable patterns of living in the District because of their current levels of facilities, services and employment opportunities. They have the potential to provide for modest levels of jobs and homes in order to help sustain and, where necessary, enhance their services and facilities, promoting better levels of self-containment and viable, sustainable communities.
8. The village includes pubs, a primary school, doctors' surgery, village hall, shop, and post office. During my site visit I observed the location and accessibility of those services to the appeal site. Located some 230m away access to the Doctor's surgery would need to be along a section of Whitminster Lane that has no footway or street lighting. Although the distance to reach that facility from the appeal site is short, the route would not be safe or a particularly attractive proposition for future occupiers.
9. A greater proportion of the village services are located around the village green, approximately 600m from the appeal site. Walking to those amenities would, in part, be along the same section of road leading to the surgery. Visits, for example to the village shop, would likely involve transporting purchased goods back to the proposed dwellings, but doing so by foot along the partially lit and paved route would be inconvenient and unappealing. Therefore, the longer distance to those facilities, coupled with the unpaved/unlit section of the route, would likely make occupiers of the dwellings heavily reliant on the use of motor vehicles for many of their journeys. It is acknowledged that cycling to local amenities could be an option, yet this would not be suitable to all future occupiers.
10. There is a public footpath that could be a safer option for future residents, however, that is through a field and conditions along that route may not always be favourable or desirable.
11. Even, in the unlikely event that residents of the dwellings chose to walk and cycle to the village services they are somewhat limited meaning that the proposal's future residents would likely need to occasionally travel to larger service centres such as Stroud, Stonehouse and Cam to meet their day-to-day needs.
12. There is a bus stop in Oatfield a short walk from the appeal site. I have not been given any details of the services operating from the bus stop therefore the frequency of the buses and the destinations they serve. Nonetheless even if buses can be accessed to larger settlements than Frampton they would be unlikely to prevent future occupiers being reliant on a car to access a wide range of services and facilities, and therefore would not make the option of bus transport an attractive or probable option for all journeys.
13. As a result, I find that the proposed development would not reduce the reliance of residents on private vehicles to obtain their day-to-day goods and services and that it would therefore not be in a sustainable location.

14. I have had regard to the Braintree and Bramshill judgements². The proposed dwellings would not be spatially isolated in the sense that they would be a close distance from other residential development. However, I am not persuaded that the proposal would meet the requirements of paragraph 79 of the National Planning Policy Framework (the Framework) which states that housing in rural areas should enhance or maintain the vitality of local communities.
15. In conclusion, the proposed development would not be in a suitable location, having regard to local and national policies which seek to manage the location of new development and access to services. As such the proposal would be contrary to Policies HC1, CP3, CP13 and CP15 of the Local Plan. These, in part, provide a settlement hierarchy for housing delivery whilst requiring development to be located to safe and convenient accesses with modes of transport other than the car. Moreover, it would also be contrary to the Framework where it aims to locate development in accessible and convenient locations and promote walking, cycling and public transport use.

Other Matters

16. There is, according to the appellant, a housing allocation for up to 80 dwellings, which would in part, fill the large gap created by the field to the south of Oatfield, thus linking up the hamlet to Frampton. However, that proposal currently forms part of the draft local plan and has not, from my reading of the evidence with this appeal, been subject to scrutiny by the examining Inspector at this stage. Moreover, I am not aware of any planning permission relating to that land. Plus, there are no details of how that allocation would resolve the unsuitable access from the appeal site to Frampton. Accordingly, given the uncertainty relating to the housing allocation, its absence from an adopted plan and access arrangements, I have given it limited weight insofar as it gives credence to the appeal site being much closer to Frampton.
17. I have been referred to a case which granted planning permission for a single dwelling at the site in 2014 (Local Planning Authority Ref S.14/1996/FUL). To my knowledge the consent was not implemented and has now lapsed. That case differs as it was for one less dwelling, while policies in the previous development plan were used to assess it. I have no specific details of those policies or whether they were consistent with the ones I have referred to in assessing this appeal. Consequently, I have afforded limited weight to that previous decision as a justification for allowing the appeal.
18. The proposal would in the appellant's view improve the site's current unkempt appearance but there is no evidence that these concerns could only be addressed by way of constructing two dwellings.
19. Despite the Council raising no objections in respect of highway safety, local character and residential amenity, the absence of harm is a neutral factor that does not outweigh the concerns I have identified arising from the main issue.
20. The appellant's commitment to funding mitigation measures in the Severn Estuary Special Protection Area (SAC) is acknowledged. However, these would relate to proposals that would address harmful impacts upon the SAC. As such

² Braintree District Council v SSCLG & Ors [2017] EWHC 2743 (Admin), and Court of Appeal judgements: Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2017] EWHC 2743 (Admin); and Bramshill v SSHCLG [2021] EWCA Civ 320.

I do not view this as a scheme benefit that would weigh in favour of the proposal.

Planning Balance and Conclusion

21. The proposal would provide a limited amount of short-term employment through the construction of the development and some further modest benefits would result from the additional spending locally by the future occupiers of the two houses. Two new dwellings would make a modest contribution to boosting the supply of housing locally, which is supported by the Framework. I have also taken into account the provision of electric vehicle charging points, yet I only attribute minor benefit to this as not every future occupier would own an electric vehicle.
22. Notwithstanding the above benefits, the proposal would fail to accord with the development plan's settlement strategy and would result in the likelihood of a dependency on the use of the private car for access to services. The significant weight attributed to this harm would not be outweighed by the modest scheme benefits identified when assessed against the policies in the development plan taken as a whole. Therefore, the appeal should be dismissed.

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RE Jones

INSPECTOR