



Appeal Decision

Site visit made on 9 November 2023

by O Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 December 2023

Appeal Ref: APP/G1630/W/23/3322288

Mountross, Cleeve Hill, Southam, Cheltenham GL52 3QE

- 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 Kevin Gunn against the decision of Tewkesbury Borough Council.
 - The application Ref 21/00301/FUL, dated 22 February 2021, was refused by notice dated 18 November 2022.
 - The development proposed is erection of a new self-build dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the appeal, the Area of Outstanding Natural Beauty (AONB) designation was renamed 'National Landscape'. I have therefore used this term where relevant in my decision. However, the legal and planning policy status of the designation is unchanged and so I am satisfied that no party would be prejudiced because of this change.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area, including on the Cotswolds National Landscape, within which the site sits, and
 - whether the proposal would accord with the spatial strategy for the distribution of housing of the Development Plan.

Reasons

Character and Appearance

4. The site is situated between existing dwellings at Mountross and The Hive, with further dwellings on Ashleigh Lane. These form part of a broadly linear row of dwellings along the B4632, between the villages of Southam and Cleeve Hill. The plot, including Mountross itself, forms one of many generous plots in the row and is wider than many of its immediate neighbours. It has a large number of trees and hedgerows. These factors give it an attractive, green and sylvan appearance.
5. The surrounding landscape is identified in the Cotswold AONB Landscape Character Assessment (LCA) as being within the 'Escarpment; Coopers Hill to

Winchcombe' character type. Its key characteristics include that settlement on the escarpment slopes is sparse and limited to scattered linear settlements bordering the many roads. The resultant spaces between dwellings, including the appeal site, contribute positively to the sporadic pattern of development locally, as identified by the landscape character type.

6. The proposal seeks to erect a detached self-build dwelling, garage and driveway on land to the side of Mountross. It would be accessed from a new entrance off Ashleigh Lane and includes highway improvements to the lane and its junction with the B4632. The appellant's Landscape and Visual Impact Assessment (LVIA) and subsequent Landscape Rebuttal compares the existing conditions of the landscape and views of it with the proposed changes, including mitigation and enhancements, and from identified viewpoints (VP).
7. The proposal would retain many of the trees and hedgerows on the site and additional planting is proposed. However, it would introduce a building of large, tall, mass and scale on to the site, together with the garage, access and driveway. Having regard to the position of the dwellings at Mountross and The Hive, the proposal would consolidate and intensify the amount of built form locally, adversely diminishing the sense of only scattered development hereabouts, identified in the LCA. As such, the proposal and its size would change the landscape character of the site and its surroundings to a more suburban and built-up form.
8. The LVIA describes the proposal as a two-storey dwelling, whereas it would actually have three stories, with the third being within the tall roof. However, even if the LVIA has assessed the specific proposal before me, it focuses on the visual effects when seen (amongst others) by only the occupiers of houses on Ashleigh Lane, and of motorists using the B4632. Consequently, I am not convinced that the LVIA fully considers the impact of the proposal for example on those using these roads recreationally, such as walkers, who may well be more sensitive receptors.
9. I share the findings of the LVIA that, when viewed from footpaths to the north of the site such as VP7, the impacts of the proposal would be slight, albeit adverse. I also agree that its impact when viewed from more distant locations, such as VP6 and VP8, would be negligible. However, from Ashleigh Lane, public views of the new entrance and driveway would be clearly obtainable (VP4 and VP5). The dwelling and garage would also be seen through the trees from Ashleigh Lane and by walkers on the B4632 (VP2 and VP3). This would be particularly so in the winter months when foliage is reduced.
10. For the reasons I give above, the effects of the proposal on these visual receptors would be at least moderately adverse. I therefore conclude that the proposal would have harmful landscape character and visual effects and so would fail to conserve or enhance the scenic beauty of the area. It would therefore harm the character and appearance of the area, including the National Landscape.
11. As such, the proposal would be contrary to policies SD4, SD6 and SD7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS), adopted December 2017, and Policy RES5 of the Tewkesbury Borough Local Plan (TBLP), adopted June 2022. These require that proposals respond positively to the landscape and character of the site and its surroundings. They also seek to ensure that the qualities of the AONB are conserved.

12. For similar reasons, having regard to the scenic quality of the location and conservation of its visual amenity, the proposal would conflict with Policy CE1 of the Cotswolds AONB Management Plan. Recognising the intrinsic character and beauty of the countryside, I give great weight to the need to conserve and enhance the scenic beauty of the National Landscape, in accordance with the National Planning Policy Framework (the Framework), with which the proposal would also conflict.
13. The Council's reason for refusal on this issue also refers to TBLP policies RES3 and RES4. However, these policies relate to the spatial development strategy of the Council. As such, I find no conflict with these policies in respect of the first issue. However, I will consider the issue of spatial strategy below.

Spatial Strategy

14. JCS Policy SP2 sets the overall strategy for the distribution of development in the Borough. The site lies outside of a Rural Service Centre or service village, and so it makes clear that JCS Policy SD10 applies. Relevant to this appeal, Criterion 4 of Policy SD10 specifies that housing will only be permitted in such locations where it consists of infilling within the existing built-up areas of the towns and villages within the Borough.
15. In addition, subject to certain criteria, TBLP Policy RES4 permits very small-scale residential development within and adjacent to the built-up area of rural settlements. It is therefore necessary to establish whether the site falls within or adjacent to a village or the built-up area of a settlement.
16. The nearest villages to the site are Cleeve Hill and Southam. The principal built-up section of Cleeve Hill is focused on Post Office Lane and Stockwell Lane, but this is some way to the north of the site. The appeal site is nearer to Southam but is separated from this village by green space and the B4632 itself. The main cluster of Southam is also some distance away from the site. Furthermore, the sporadic form of development hereabouts gives the appearance of the site being in the countryside.
17. For these reasons, I conclude that the proposal would not be within or adjacent to a village or built-up area for the purposes of planning policy. Even if the site constitutes previously developed land, as suggested by the appellant, JCS Policy SD10 only permits development on such land where it would be within the existing built-up areas of rural service centres, service villages, or higher order settlements. The Framework also supports the use of previously developed sites that are suitable and within or well related to an existing settlement. However, for the reasons I have already given, the proposal would not meet these requirements.
18. For these reasons, the proposal would not accord with the spatial strategy for the distribution of housing of the Development Plan. As such, it would conflict with JCS policies SP2 and SD10, as well as TBLP Policy RES4. However, the justification for the restrictions imposed by JCS Policies SP2 and SD10 relate to access to services and facilities. Little evidence has been provided to demonstrate that the proposal would be remote from services and facilities and there is no dispute, for example, that the site is not far from bus stops with regular services, including for educational purposes.

19. I am mindful also that the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. The aim of Policy RES4 is to ensure that development is not isolated, but this would not be the case here, where there are dwellings nearby. For these reasons, I give only moderate negative weight to the conflict with JCS policies SP2 and SD10, and TBLP Policy RES4.

Other Considerations

20. The Council accepts that it cannot currently demonstrate a five-year housing land supply. However, in considering Framework Paragraph 11(d)(i) footnote 7 and my findings above, the policies in the Framework that protect areas and assets of particular importance (namely the National Landscape) provide a clear reason for refusing the proposal. As such, paragraph 11(d) of the Framework, and its tilted balance, is not engaged in this instance.
21. The Framework seeks to significantly boost the supply of homes, and small sites can contribute to meeting housing requirements. Furthermore, the Council is required by the Self-Build and Custom Housebuilding Act 2015 to grant sufficient permissions to meet the demand for self-build housebuilding in the Borough. The parties dispute whether the demand for this is currently being met. However, even if such a shortfall exists, the proposal would provide only a single unit of such accommodation. I therefore give this benefit only limited weight.
22. Construction of the proposal would make a positive economic contribution to the area, as would its occupants both socially and economically. It would be built to high environmental standards and would bring ecological benefits, including from new indigenous hedgerow planting. However, these benefits would be limited because of the small size of the proposal, as a single dwelling.

Planning Balance and Conclusion

23. For the reasons given, I have found conflict with the Development Plan as a whole. The material considerations in this case, including the Framework, do not indicate a decision other than in accordance with the Development Plan. This leads me to conclude that the appeal should be dismissed.

O Marigold

INSPECTOR