



Appeal Decision

Site visit made on 11 January 2024

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 February 2024

Appeal Ref: APP/G1630/W/23/3325294

**Land Between Parton Court Road and Station Road, Churchdown,
Gloucester, Gloucestershire GL3 2JG**

- 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 Steve Gardiner against the decision of Tewkesbury Borough Council.
 - The application Ref 22/01128/PIP, dated 11 October 2022, was refused by notice dated 20 January 2023.
 - The development proposed is described as 'Permission in Principle for infill development of 1-5 Houses on Land Between Parton Court Road & Station Road'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was lodged, a revised National Planning Policy Framework (the Framework) has been published. Both parties have had an opportunity to comment on the revised Framework and so have not been prejudiced by this change. I have thus had regard to the latest version of the Framework in determining this appeal.
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 (permission in principle) establishes whether a site is suitable in principle. The second stage (technical details consent) is when detailed 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.
5. An indicative site layout plan was submitted as part of the application. I have treated this as being for illustrative purposes only.

Main Issues

6. The main issues are therefore:

- whether the proposal is inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
- the effect on the openness of the Green Belt;
- the effect on the character and appearance of the area;
- whether the development would be in a suitable location having regard to the Framework and development plan policies; and
- would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether inappropriate development

7. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 154 of the Framework states that the construction of new buildings in the Green Belt should be regarded as inappropriate subject to specified exceptions. One such exception is limited infilling in villages.
8. Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031, adopted December 2017 (JCS) seeks to protect land within the Green Belt from inappropriate development in accordance with national policy.
9. The Framework does not define what would constitute limited infilling within a village. The site lies beyond a defined development boundary, however that in itself is not determinative for the purposes of Green Belt policy. It is rather a matter of planning judgement having regard to the position on the ground.
10. The appeal site is a triangular area of undeveloped land which forms part of a larger parcel of greenfield land comprising grassland with trees and hedgerows. It is close to the main built-up part of the settlement on the opposite side of the road and facilities therein. A cluster of residential properties lie to the rear of the site and a group of dwellings are to the south, as well as the Parish Council Office nearby, including associated recreational facilities.
11. Nevertheless, the sporadic and dispersed development pattern on this side of Station Road contributes to the open and rural character of the area. Therefore, despite the presence of the surrounding development, the site, which is a significant gap in the existing built form, is therefore characterised as lying within the countryside rather than forming part of a village. Moreover, the presence of streetlights and a footpath along this section of Station Road, do not diminish the rural character and appearance of the site.
12. I note the appellant's assertion that the dwellings beyond the site are considered part of the village of Churchdown and that the appeal proposal would therefore constitute infill development. However, the existing group of

buildings to the rear of the site, which are set in larger plots and comprise a looser, less uniform urban form, are distinctly separate from the more concentrated built form of the village due to the intervening open space. As such, they do not represent a clear continuous form of built development which is contiguous with the existing buildings in the village.

13. Furthermore, given the considerable separation distance between the appeal site and the development to either side, as well as to the rear, the site does not represent a gap in an otherwise developed frontage, which is a widely held definition of limited infilling. Therefore, the proposed development would go beyond what could reasonably be considered as limited infilling in a village.
14. My attention is drawn to recent appeal decisions at Walnut Farm¹ and Brookelands² where the Inspectors found that the sites were within a built-up area, despite being located outside a defined settlement boundary. I do not have full details in respect of the proposals so I cannot be sure of the circumstances of such cases. Moreover, neither of the sites were in the Green Belt, so therefore not directly comparable to the appeal scheme in that regard. In any case, I have determined the appeal on its own merits, based on the evidence before me.
15. I note the appellant's suggestion that the site does not conflict with the purposes of including land within the Green Belt. However, I have characterised the site as open countryside rather than as part of the village. Consequently, the development would fail to assist in safeguarding the countryside from encroachment. As the proposal would not fall within any of the exceptions listed at paragraph 154 it would compromise inappropriate development in the Green Belt. Consequently, it would fail to accord with the provisions of Policy SD5 of the JCS and the aims of the Framework in relation to the protection of Green Belt land.

Openness of the Green Belt

16. As my assessment relates to the principle of the site for residential development, matters such as height, massing, scale and design are to be considered as part of the Technical Details Consent stage. Nonetheless, in spatial terms the construction of up to 5 dwellings on the site would result in built development where there is presently none. The footprint of the dwellings, their bulk and the accompanying domestic accoutrements, would inevitably lead to a loss of openness. This is particularly the case as the site currently has no buildings or other development on it.
17. With regard to the visual dimension of openness, the proposal would occupy a prominent position in the street scape when viewed from the highway, nearby residential properties as well as in longer distance views towards the site. The erection of up to 5 dwellings would therefore result in a reduction in the visual openness of this part of the Green Belt. Due to its scale and nature, the presence of the surrounding development in the wider vicinity of the site does not lessen the effect of the proposed development in terms of openness.
18. For the foregoing reasons the proposal would result in a loss of Green Belt openness, both spatially and visually which would give rise to significant harm

¹ APP/G1630/W/20/3257279

² APP/ G1630/W/21/3279010

to the openness of the Green Belt. As set out in the Framework I must attach substantial weight to the harm to the Green Belt.

Character and appearance

19. The undeveloped and open nature of the site, together with the mature trees, contributes positively to the open rural character of the area and the pleasant verdant setting of the village. The proposal would introduce built form of a not insignificant scale, with little meaningful relationship to the surrounding development, in a prominent position which would encroach into the otherwise open green space.
20. Consequently, it would be at odds with the prevailing pattern of development and would erode the contribution that the land makes to the wider open countryside adjoining the edge of the village, including views across it to the countryside beyond. I note that the poplar trees on the site would be retained, and the design of the dwellings would reflect local vernacular, including the use of sympathetic materials. However, this would not outweigh the harm I have identified.
21. For these reasons the proposal would have an adverse effect on the character and appearance of the area, which would give rise to **moderate** harm. In that regard it would conflict with Policy SD6 of the JCS which seeks to protect landscape character and the aims of the Framework in relation to conserving and enhancing the natural environment through recognising the intrinsic character and beauty of the countryside.

Location

22. Policy SP2 of the JCS sets out the strategy for the distribution of new housing development in the district. The appeal site is not within a main urban area, rural service centre or service village, and is therefore defined as the rural area, where Policy SD10 of the JCS applies to proposals for residential development. Part 4 of Policy SD10 indicates that housing development on such sites will only be permitted under the circumstances listed, which includes at iv) where there are other specific exceptions/circumstances defined in district or neighbourhood plans.
23. Policy RES3 of the Tewkesbury Borough Local Plan 2011-2031 adopted June 2022 (TBLP) states that new residential development outside of the defined settlement boundaries will be considered acceptable where it would comprise very small scale development at rural settlements in accordance with Policy RES4 of the TBLP. To support the vitality of rural communities Policy RES4 supports very small-scale residential development within and adjacent to the built-up area of other rural settlements, such as Churchdown, providing specific criteria are met. Given that I have found that the proposal would not constitute limited infilling within the existing built-up area of a village and would harm the character and appearance of the area, it would fail to satisfy the requirements of Policy RES4.
24. The proposal would therefore conflict with Policies RES3 and RES4 of the TBLP and consequently Policies SP2 and SD10 of the JCS. I attribute moderate harm to this policy conflict.

Other considerations

25. The proposal would offer benefits in terms of the use of vacant land for the delivery of up to 5 additional family homes in a location with access to local amenities and services as well as public transport links. This would contribute to the Council's housing supply targets and would accord with the aims of the Framework in terms of boosting the supply of housing, in particular paragraph 70 which highlights that small and medium sized sites can make an important contribution to meeting the housing requirement of an area. Whilst the proposal for up to 5 units is modest in scale, given the Council's shortfall in housing supply, the benefits in that regard would be **moderate**. The proposal would also offer economic benefits during the construction phase and beyond, however such benefits would be **limited** given the scale of the development.
26. Even if the dwellings could be secured as self or custom-build housing at the technical details stage, which may constitute a further benefit, there is nothing before me regarding any particular need for this type of housing in the area or the contribution the development would make to meeting this need. As such I ascribe **limited** weight to this benefit.
27. I note the dwellings would benefit from private gardens of an appropriate size and the provision of off-road parking, this is a normal requirement for development and is therefore a neutral factor.

Green Belt Balance and Conclusion

28. I have concluded that the appeal scheme would be inappropriate development which by definition, is harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations. It would also result in harm to the openness of the Green Belt and would lead to encroachment into the countryside. I give this harm to the Green Belt substantial weight as required by the Framework. In addition, there are adverse impacts on the character and appearance of the area and in respect of the settlement strategy.
29. In relation to the other considerations, I have found that the appeal proposal will provide benefits in terms of housing supply, to which I attach moderate weight, as well as benefits to the local economy and the provision of self or custom-build housing, which carry limited weight. Overall, I conclude that the matters weighing in favour of the appeal proposal, even in their collective totality, do not clearly outweigh the harm to the Green Belt that I have found. Therefore, the substantial weight to be given to Green Belt harm is not clearly outweighed by the other considerations sufficient to demonstrate very special circumstances.
30. The Council is unable to demonstrate a five-year supply of deliverable housing sites. In this scenario, paragraph 11 of the Framework indicates that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where there are specific policies in the Framework which indicate that development should be restricted. Given my conclusions in relation to the Green Belt, the Framework provides a clear reason for refusing the development. As such, the proposal does not

benefit from the presumption in favour of sustainable development outlined at paragraph 11 of the Framework.

31. The proposal would therefore conflict with the development plan as a whole and there are no other considerations that outweigh this conflict. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

E Worley

INSPECTOR