



Appeal Decision

Site visit made on 9 April 2024

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 April 2024

Appeal Ref: APP/C1625/W/23/3326605

**Land to the south of Prestwick Terrace, Whitminster, Gloucestershire
GL2 7PA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs B Seeley against the decision of Stroud District Council.
 - The application Ref is S.22/2629/OUT.
 - The development proposed is described as 'Residential development up to 3 no. dwellings (Outline)'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the site address on the Council's Decision Notice in the banner heading as it more precisely describes the location of the site.
3. The application was made in outline with all matters reserved. I have therefore had regard to the submitted drawings on an indicative basis in so far as they relate to the reserved matters.
4. Unilateral undertakings have been submitted as part of the appeal, the purpose of which would be to secure financial contributions towards mitigation measures in relation to the Severn Estuary and Cotswold Beechwoods Special Areas of Conservation. The Council indicate that these would overcome the second and third refusal reasons, I will address this matter later in my reasoning.
5. Since the appeal was lodged, a revised National Planning Policy Framework (the Framework) has been published. This has not raised any new matters which are determinative to the outcome of this appeal.

Main Issue

6. The main issue is whether the proposed development would be in a suitable location for housing, having regard to the local development strategy and the character and appearance of the area.

Reasons

7. The appeal site, which consists of a vacant parcel of land, is located between 4 Prestwick Terrace which lies at the end of a short row of terraced dwellings,

and May View Cottage, a detached 2 storey dwelling. The proposal would see the construction of up to 3 dwellings, which the indicative drawings show could be accommodated on the site in the form of 2 storey terraced properties orientated to face the highway to the front of the site.

8. Policy CP2 of the Stroud District Local Plan adopted November 2015 (SDLP) outlines the development strategy to meet the housing needs of the district. It sets out that new development will take place on the strategic sites located within the principal settlements, and outside of these, housing development will be permitted within settlement development limits in accordance with the settlement hierarchy. Policy CP2 indicates that limited development will take place outside of these designated areas where it accords with other policies of the SDLP.
9. Policy CP3 of the SDLP sets out the settlement hierarchy having regard to their size and range of services and facilities therein. One of the main aims of which is to reduce the need to travel to services and facilities elsewhere so as to promote sustainable communities.
10. The site lies beyond the development limits of Whitminster as defined in the SDLP and is therefore in an area of open countryside for planning policy purposes. Policy CP15 of the SDLP states that, to protect the separate identity of settlements and the quality of the countryside (including its built and natural heritage), proposals outside identified settlement development limits will only be permitted in specific circumstances. The appeal proposal would not meet any of the identified exceptions.
11. Whitminster is designated as a third tier settlement; *Accessible Settlements with Limited Facilities* under Policy CP3 of the SDLP. It has a range of facilities and amenities, as well as employment opportunities, including bus stops with services to Stroud, Stonehouse and Gloucester, a convenience store, public houses, takeaways, a garden centre, village hall a primary school and playing fields. The appellant indicates that the site is approximately 500m away from the nearest of the facilities.
12. There is a footpath alongside the A38 between the site and the edge of the village, where there is a pedestrian crossing to the main part of the settlement. However, it is overgrown and narrow in sections and would be difficult to navigate with a pushchair or wheelchair. There is also a dedicated cycle lane on the carriageway along the route. While the speed limit on the A38 decreases to 40mph on the approach to the village, the road is nevertheless busy and is devoid of streetlights until it reaches the edge of the main built-up area. Therefore, whilst not significant, the distance combined with the inadequacies of the footpath and road conditions would likely deter some pedestrians and cyclists from using this route routinely. Consequently, future residents of the proposed dwelling would be likely to be reliant on the use of private cars to access day to day services and amenities.
13. Whilst there may be examples of other residential developments in the district with greater walking distances to facilities, I do not have full details in respect of these so I cannot be sure of the circumstances of such cases. In any event, I have considered this appeal on its own merits in light of the evidence before me.

14. The site currently forms a gap between the staggered residential properties which form a loosely arranged sporadic ribbon of development on the periphery and away from the core of the village. The surrounding agricultural land, including land to the rear of the site, and on the opposite side of the road contributes to a prevailing sense of openness around and beyond the existing residential properties on this part of the road. Despite being bound on both sides by residential development, as well as the presence of the highly trafficked A38 and nearby roundabout and highway signage, the undeveloped nature of the site, which allows views across the land to the open countryside beyond, contributes positively to the pleasant semi-rural character of the area. The garden centre and commercial buildings to which the appellant refers are set some distance from the appeal site and do not therefore undermine its established character and environs.
15. The construction of up to 3 dwellings, regardless of scale, appearance, layout, and landscaping would be visible from the highway, as would any associated domestic paraphernalia, including associated parking. This would result in a marked change in the appearance and character of the site, which would significantly undermine the rural nature of the land and would lead to a further encroachment of built development into the countryside.
16. Although the indicative drawings show the dwellings would be of a similar terraced arrangement and scale to the existing neighbouring properties in Prestwick Terrace, the proposal would nonetheless diminish the rural character of the area. While the overall scale of the development means any effects would be localised, the development would nonetheless cause harm to the character and appearance of the area.
17. Even if the site was used in the past as garden land, and was occupied by outbuildings, it is currently free from built development. It is on this basis that my assessment with regards to the effect of the development is made.
18. The site sits towards the end of the residential development along this stretch of the A38 and the frontage of the appeal site is not as wide as the nearby site at 'Land off Bristol Road, Whitminster', where a proposal for residential development was dismissed at appeal¹. Nonetheless, while it does not perform the same function identified by the Inspector in that case in terms of forming a 'gap' between the two clusters of development, for the reasons set out above, the undeveloped nature of the appeal site, which creates a space between the existing built form, is a positive characteristic of the area.
19. Reference has been made to planning permission granted for an extension to Hillview House² which immediately adjoins the aforementioned site. However, the development relates to an extension to a dwelling which, despite its scale and proximity to it, would not encroach into the adjoining 'gap'. It is therefore not directly comparable to the appeal scheme so as to draw me to a different conclusion.
20. The appellant has drawn my attention to a planning permission granted by the Council for a new dwelling outside the settlement boundary in the village of Cambridge³, which it is suggested is similar to the appeal proposal in terms of

¹ Appeal Ref. APP/C1625/W/16/3159974

² LPA Ref. S.18/0330/HHOLD

³ LPA Ref. S.23/0307/FUL

accessibility to facilities. However, the development differs from the appeal scheme in that, by virtue of its close relationship with the existing built development in the settlement it would not be seen as an expansion of the existing built-up area into the countryside. As such, it has a different effect on the character and appearance of the area to that proposed, accordingly I attribute it limited weight.

21. For the foregoing reasons I conclude that the proposed development would not provide a suitable location for housing having regard to the local development strategy and the character and appearance of the area. Accordingly, it would conflict with Policies CP2, CP3, and CP15 of the SDLP and the high quality design aims of Policy CP14 of the SDLP which seeks development, which among other things, protects, conserves and enhances the built and natural environment.

Other Matters

22. The proposal would contribute to housing supply in the district and would reflect the parts of the Framework that seek to significantly boost the supply of homes. However, given the modest scale of the proposal and as the Council can demonstrate a 5 year supply of housing land, the benefits in these regards would be limited.
23. Moreover, whilst the Framework acknowledges the contribution small sites can make to meeting the housing requirement of an area, including windfall sites, it highlights that great weight should be given to the benefits of using suitable sites within existing settlements for homes.
24. The absence of harm in terms of the living conditions of the occupiers of the neighbouring properties would not outweigh or alter my conclusions on the main issues.
25. My attention is drawn to 2 planning applications on land adjoining and close to the site for major development including large scale residential development, a strategic transportation hub, sport and recreation facilities and associated works, a primary school, a local centre of 1.6 ha, a drinking establishment and hot food takeaway, local transportation hub, sports facilities⁴ which have not yet been determined. While the sites may have been considered as part of the Strategic Assessment of Land Availability 2020 (WHI014) given the current status of the applications and moreover, that the land to which these applications relate is not allocated for development in the SDLP nor the emerging Local Plan, I attribute very limited weight to these proposals.
26. The site lies within the core catchment zones of the Severn Estuary and Cotswold Beechwoods Special Area of Conservation (SACs). To avoid an adverse effect upon the integrity of the SACs through increased recreational activity, the UU requires financial contributions towards the Council's avoidance mitigation strategies. However, given my conclusions in relation to the main issues, which mean I am minded to dismiss the appeal, there is no need to consider this matter further. A finding that the scheme would be acceptable in these regards would not affect my overall conclusion.

⁴ LPA Ref. S.23/0445/OUT and S.23/0440/OUT

Conclusion

27. The proposal would conflict with the development plan taken as a whole. Material considerations have not been shown to carry sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

E Worley

INSPECTOR