



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: 26 April 2024

Appeal Ref: APP/C1625/W/23/3328564

**Land to the East of Croeso, Woefulane Bottom, Tetbury Street,
Minchinhampton, Gloucestershire GL6 9AS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Partridge Homes Cotswolds Ltd against the decision of Stroud District Council.
 - The application Ref is S.22/2786/PIP.
 - The development proposed is the construction of two dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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 two 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 stage.
3. 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.
4. Since the appeal was lodged, a revised National Planning Policy Framework (the Framework) has been published. The Council and appellant have had an opportunity to comment on any implications of these changes through their submissions.
5. On 22 November 2023, all areas in England and Wales designated as an Area of Outstanding Natural Beauty (AONB) were retitled National Landscapes. There has been no change to the legal designation and policy status of these areas. As such, references in my decision will be to the National Landscape. For the avoidance of doubt this will apply to the Cotswolds AONB.
6. The draft Stroud District Local Plan Review was submitted for examination in October 2021. However, I do not have information in relation to any outstanding objections and therefore give limited weight to the emerging policies at this stage.

Main Issue

7. In view of the above, the main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use, and the amount of development, in respect of development plan policies for the location of new housing and the landscape character of the area including the Cotswolds National Landscape.

Reasons

Suitability of location

8. There is no dispute that the appeal site, albeit adjacent to the settlement development limit (SDL), is located outside of the SDL of Minchinhampton. For planning policy purposes, it is therefore located within the countryside. The Council's development strategy is set out in Policy CP2 of the Stroud District Local Plan adopted November 2015 (SDLP). It seeks to direct new development to strategic sites located at the principal settlements or within SDLs in accordance with the settlement hierarchy. It acknowledges that limited development could take place outside of these designated areas, provided it would accord with other policies of the SDLP. Policy CP3 of the SDLP sets out the settlement hierarchy for the location of new development, having regard to their size and range of services and facilities. The development strategy aims to prioritise growth at sustainable locations to reduce the need to travel to services and facilities elsewhere to promote sustainable communities.
9. 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 SDLs will only be permitted in specific circumstances. The appeal proposal does not fall within any of the specific exemptions listed and would therefore conflict with Policy CP15.
10. The development would not be isolated from other dwellings. Moreover, the site is located a short walk from the broad range of facilities and services in Minchinhampton, which is defined as a Local Service Centre in the SDLP, including bus stops, shops, cafes and pubs, a school, and sports clubs. Accordingly, future occupiers would not necessarily be reliant on the use of the private car to meet day to day needs.
11. Nonetheless, having regard to the development strategy, the location of the site, beyond the development limits, would not provide a suitable location for housing. Accordingly, the proposal would be in clear conflict with Policies CP2, CP3 and CP15 of the SDLP, the relevant provisions of which I have set out above.

Landscape character and CNL

12. The appeal site comprises a rectangular parcel of land, the side boundary of which is coterminous with the side boundary of Croeso, a detached two storey dwelling. The land is bound on the remaining 3 sides by a low stone wall. This, together with the open countryside to the rear of the site and agricultural land opposite, creates an attractive sense of openness in contrast to the residential development within the confines of the settlement.
13. Notwithstanding the position of the white painted gates, cattle grid, welcome sign and 30mph signage, the site is clearly beyond the edge of the main built-

up part of the settlement created by the flank of the neighbouring property situated at the end of the row of dwellings. While there is residential development beyond the site, including the existing dwellings which face the track that runs along the side boundary of the site, these form part of the more sporadic development sat within the surrounding rural landscape beyond the built form of the settlement.

14. The site is located within the Cotswolds National Landscape (CNL), where, as set out in paragraph 182 of the Framework, great weight should be given to conserving and enhancing landscape and scenic beauty. Policy ES7 of the SDLP sets out that within the CNL priority will be given to the conservation and enhancement of the natural and scenic beauty of the landscape. It also requires that development proposals should conserve or enhance the special features and diversity of the different landscape character types found within the district.
15. The appeal site falls within land parcel reference M05 in the Council's Landscape Sensitivity Assessment (2016), where the landscape has a high sensitivity to development, including housing. While the appeal site forms only a small part of the overall land parcel, it nevertheless reflects the identified characteristics of M05, including forming an integral part of the backdrop to the settlement.
16. The land is grassed and is occupied by a low-profile timber store building¹. The modest scale of the building, low boundary treatment, and otherwise undeveloped and open nature of the site allow far reaching views over the land towards the open countryside beyond, where the quality of the landscape surrounding the appeal site is readily apparent. It therefore has a strong visual connection with and makes a positive contribution to the rural character of the edge of the settlement and the scenic beauty of the wider CNL.
17. The proposed development would be readily visible from the highway to the front of the site as well as the Public Right of Way which runs along the side boundary, where it would be seen in the foreground of the expansive views of the open countryside beyond. Matters including the size, design, layout, and access could be agreed at the technical details stage. Nonetheless, the development would introduce up to two dwellings onto the land where there is currently an absence of any significant built form. The additional volume of development, and associated domestic paraphernalia, including lighting, in this location would inevitably erode the contribution the appeal site makes to the landscape character, including the landscape qualities of the CNL.
18. Moreover, even if the proposed development would not be out of keeping with development nearby, in terms of density, layout, size and scale, and may accord with other SDLP policies in that regard, given the nature of the appeal site and its context, I have found that it would be inherently harmful to the landscape character of the area.
19. For the foregoing reasons, by virtue of the location, land use and amount of development, I find that the proposal would harm the landscape character of the area and would fail to conserve the landscape and scenic beauty of the CNL. In that regard it would conflict with the aims of Policy ES7 of the SDLP.

¹ LPA Ref. S.18/2332/FUL

Other Matters

20. The proposal would contribute to housing supply and would reflect the parts of the Framework that seek to significantly boost the supply of homes and enhance or maintain the vitality of rural communities. The Framework also recognises the important contribution small sites can make to meeting the housing requirements of an area. However, the benefits in these regards would be limited given the modest scale of the proposal for two dwellings and that the Council can demonstrate a 5 year supply of housing land.
21. I have had regard to an appeal decision for residential development at land south of Huxley Court², which was allowed. Despite being outside the development boundary, due to the specific nature of the surroundings, the Inspector found the site in that case, which had a different relationship with the settlement than the appeal scheme, was not in the countryside. Consequently, I therefore attribute this very limited weight. Furthermore, even if the appeal site is closer than others in the village to the existing facilities, this would not lead me to reach a different conclusion.
22. My attention is drawn to the Council's 'Review of Settlement Development Limits – a discussion paper for Planning Review Panel' document dated April 2018, which sets out potential future options with regards to the approach to the use of SDLs. However, this is not an adopted policy document and therefore the weight to be ascribed to it is limited.
23. I note the appellant's contention that the Minchinhampton Neighbourhood Development Plan 2018-2036 (NDP) does not restrict new development to land within the settlement boundary at Minchinhampton. However, the absence of a NDP policy in that regard would not outweigh the conflict with the development strategy set out in the SDLP. While the NDP indicates that it is expected that the overall rate of housing development in the parish will continue to be in the range of 10-15 dwellings per year over the plan period, and that a total of around 180-270 new dwellings may be built, this is not a requirement. The NDP specifically states that it is not itself proposing any specific scale or rate of development.
24. Furthermore, even if the site was previously developed land, this itself would not be a reason to grant planning permission, given the location of the site beyond the SDL and subsequent conflict with the development strategy and harm to the landscape character. Whilst paragraph 124 of the Framework sets out that substantial weight should be given to the value of using suitable brownfield land for homes, this relates specifically to land within settlements.
25. The site is located within the 3km core catchment zone of the Rodborough Common Special Area of Conservation (SAC). Article 5B(1) of the Town and Country Planning (Permission in Principle) Order 2017 (as amended), provides that permission in principle must not be granted for development which is habitats development. Habitats development is defined in that same Article as development which is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects) and is not directly connected with or necessary to the management of the site; and for which the competent authority has not given consent,

² APP/F1610/W/20/3262431

permission, or other authorisation in accordance with Regulation 63 of The Conservation of Habitats and Species Regulations 2017.

26. As the appeal is dismissed it is not necessary in this instance to undertake an appropriate assessment to establish whether the development would constitute habitats development. Considering my decision on the appeal overall, there would be no pathways to significant adverse effects on the SAC arising from my decision.

Conclusion

27. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal is dismissed.

E Worley

INSPECTOR