



Appeal Decision

Site visit made on 8 May 2024

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 4th June 2024

Appeal Ref: APP/G1630/W/24/3337894

Land at Hawthorn House, Main Road, Minsterworth GL2 8JH

- 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 RES Design & Build Ltd against the decision of Tewkesbury Borough Council.
 - The application Ref is 23/00864/PIP.
 - The development proposed is for residential development of 1 new dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle (PIP). The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The PIP consent route has two stages. The first stage establishes whether a site is suitable in-principle (the PIP stage) and the second, Technical Details Consent (TDC) stage is when the detailed development proposal is assessed. This appeal relates to the first of these two stages.
3. The scope of the consideration for a PIP is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent TDC application if the PIP is granted. I have determined the appeal on that basis.

Main Issue

4. 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.

Reasons

5. The appeal site is located to the rear of an existing row of houses which are currently nearing completion. I observed at the site visit that it is set some considerable distance behind the rear elevations of these houses in a distinct and separate area.
6. The appeal site is surrounded by mature vegetation along its northern and western boundaries. Beyond its western boundary is open countryside whereas to the north is a narrow track which is separated from the appeal site by mature thick vegetation, which creates a sense of a countryside lane. There is an undeveloped open area to the south and although there is a row of

residential houses to the east, and a further row of houses to the south-east the nearest residential buildings are located some distance away as they are separated from the appeal site by the garden areas of the new row of houses. The undeveloped nature of the appeal site creates a sense of verdant spaciousness which makes a positive contribution to the character and appearance of the area. Overall, although the appeal site can be considered under-developed, it is not well related to existing built development. Rather, it appears as a distinct and separate area.

7. Moreover, the appellant has confirmed that a significant portion of the site could be designated as a non-development area reserved for ecological net gain to ensure that the proposal accords with the existing planning permission for the row of houses to the east. This arrangement, if ultimately adopted at the TDC stage would mean that any future dwelling on the appeal site would be separated from the nearest houses by this significant area, which would reinforce the distinct and separate nature of any development on the appeal site which would not be well related to existing built development.
8. It is common ground that the appeal site falls outside the settlement boundary of Minsterworth as defined in the Tewkesbury Borough Plan 2011-2031 (the TBP). Policy RES3 of the TBP sets out that outside of the defined settlement boundaries the principle of new residential development will be considered acceptable where development consists of a number of defined circumstances. None apply to the proposed development.
9. Policy SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 adopted 11 December 2017 (JCS) deals with residential development and among other things sets out that housing development on other sites (which includes the appeal site) will only be permitted where it meets certain criteria, including infilling within the existing built-up areas of certain areas including Tewkesbury Borough's towns and villages.
10. The explanatory text sets out that for the purposes of the relevant part of Policy SD10, infill development means the development of an under-developed plot well related to existing built development. As outlined, although the appeal site can be considered under-developed, it is not well related to existing built development and even one residential dwelling on the plot would unacceptably harm the prevailing spacious character of the area and I afford significant weight to the harm the proposal would have on the character and appearance of the area. Given my findings, it also follows that the proposal does not accord with the definition of infill as set out in Policy SD10 of the JCS.
11. I therefore conclude that the site is not suitable for residential development having regard to its location, the proposed land use and the amount of development. The proposed development would therefore not accord with Policy RES3 of the TBP or with Policy SD10 of the JCS as set out above.
12. The proposal would also be at odds with the National Planning Policy Framework (the Framework) which seeks to ensure development is sympathetic to local character.

Other Matters

13. I have taken account of the fact that a dwelling on the appeal site would benefit from significant highway improvements associated with the adjacent

new houses. However, given that these improvements are already confirmed means that this is a neutral factor in the determination of the appeal. I have also taken account of the fact that the original PIPs for the two neighbouring sites allowed up to 9 dwellings, whereas only 8 have been developed, so there is no net increase in the number of units when considered together. However, unlike the appeal site, these residential sites are located in a linear arrangement along the road and do not appear as a distinct and separate area. This limits the weight I accord this matter in the determination of the appeal.

14. I have also taken account of the significant number of other residential schemes that have been granted planning permission within the same area that the appellant has brought to my attention as they consider them similar in terms of location and character and appearance. However, in many cases I have not been provided with sufficient details to make a direct comparison with the proposal before me, where I have been provided with more information, the circumstances are materially different as these other examples either do not have the same relationship with their surroundings as the appeal site, are located within the relevant settlement boundary of the village or involve other particular circumstances, such as involving a rural exception scheme. As a result, these other examples do not justify harmful development at the appeal site.

Planning Balance

15. I turn now to consider housing supply. The Council accept that they can only demonstrate a supply of 3.4 years. This is well below Government expectations. Although the proposal would undoubtedly be valuable in boosting housing stock in circumstances where there is an existing shortfall, given that it would only result in the addition of one dwelling that tempers its weight.
16. I accept that the proposal would have a cumulative effect in the supply of housing and would have limited economic, social and environmental benefits. For example, it would provide some jobs and create demand for materials during the construction phase, would broaden the availability of housing in the area and once occupied would support services and local facilities. It would also provide opportunities to enhance biodiversity. However, given the small scale of the proposed development when combined these factors are only afforded modest weight in the determination of the appeal.
17. On the other hand, I have found that contrary to the relevant policies of the development plan, the appeal site would not be suitable for residential development having regard to its location, the proposed land use and the amount of development proposed. Moreover, it would unacceptably harm the character and appearance of the area. I have afforded that harm significant weight.
18. As a result, the proposal would conflict with the development plan and the Framework as a whole. As set out above, based on the available evidence the Council accept that they can only demonstrate a supply of 3.4 years. As a result, Paragraph 11(d) of the Framework is engaged. However, for the reasons set out above, the adverse impacts of granting permission for the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

19. Consequently, the scheme would not represent sustainable development within the meaning of paragraph 11(d) of the Framework and this weighs substantially against the scheme. In reaching that view I have taken account of the other planning and appeal decisions that have been brought to my attention, where paragraph 11(d) is engaged, including appeal decisions at Truman's Farm, Gotherington¹, Land to the west of the A48, Minsterworth village², and Field adjacent to Hawthorn House, Minsterworth³ where Inspectors have found that the presumption in favour of sustainable development does apply.
20. However, the circumstances of these other cases are materially different from the proposal before me. For example, they involve significantly more dwellings than the one dwelling proposed here. Also, even though one site is located nearby, the position of the appeal site in this case relative to its surroundings is materially different from all the other cases. As a result, the other examples are materially different as is their impact on their surroundings. Consequently, these other decisions do not alter my overall view, nor do they justify harmful development at the appeal site.

Conclusion

21. The proposal conflicts with the development plan and the Framework and material considerations do not indicate that the appeal should be decided other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

S Rawle

INSPECTOR

¹ APP/G1630/W/23/3314936

² APP/G1630/W/19/3238070

³ APP/G1630/W/19/3233022