



Appeal Decision

Site visit made on 29 May 2024

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 June 2024

Appeal Ref: APP/G1630/W/24/3339901

Land rear of Bloxhams Orchard, Ashleworth, Gloucester, Gloucestershire

- 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 Mr & Mrs Steven Wood and Danielle Vaughan against the decision of Tewkesbury Borough Council.
 - The application Ref is 23/00699/PIP.
 - The development proposed is Permission in Principle for the erection of 5 no. single storey dwellings plus associated access and parking.
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Decision

1. The appeal is allowed and Permission in Principle is granted for the erection of 5 no. single storey dwellings plus associated access and parking at Land Rear of Bloxhams Orchard, Ashleworth, Gloucester, Gloucestershire in accordance with the terms of the application, Ref 23/00699/PIP.

Procedural Matters

2. The proposal is for Permission in Principle. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. This has two stages. The first stage establishes whether a site is suitable for the proposal in principle. The second stage, for Technical Details Consent (TDC), is when the detailed development proposals are assessed. This appeal relates to the first stage.
3. The scope of the considerations at this stage is limited to location, land use and the amount of development. All other matters would be considered as part of a subsequent TDC application. In this case, permission is sought for five, single storey dwellings. I have determined the appeal on this basis, having regard to the relevant legislation and the PPG. A plan showing the possible layout of the proposal has been provided, which I have treated as being illustrative.
4. I have taken the address of the site from the Council's Decision Notice, which better reflects the location than that used in the application form. The appellants have used the same address in the appeal form and so I am satisfied that no party would be prejudiced as a result.

Main Issue

5. The main issue is whether the location, use and amount of the development proposed would accord with the spatial strategy of the Development Plan for the distribution of housing, including its effect on the character and appearance of the area.

Reasons

6. The site consists of a small field on the edge of the village of Ashleworth. The spatial strategy for the area is provided by the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS), adopted December 2017, and the Tewkesbury Borough Local Plan (TBLP), adopted June 2022. The village has some services and facilities, including a school and shop. However, although previous iterations of the Development Plan included a settlement boundary for Ashleworth, there is no such boundary in the TBLP.
7. As such, JCS Policy SD10(4) applies. Amongst other things, this permits new housing in accordance with specific criteria that do not apply here, or in other circumstances defined in District Plans. Relevant to this appeal, TBLP Policy RES3 permits new housing outside settlement boundaries, where it consists of 'very small-scale' development at settlements such as Ashleworth and in accordance with Policy RES4. This in turn permits housing adjacent to the built-up area of such settlements.
8. There is no dispute that the proposal would meet these requirements or that compliance with Policies RES3 and RES4 in principle constitutes a circumstance referred to by JCS Policy SD10(4). However, TBLP Policy RES4 also requires that proposals should complement the settlement form and be well-related to existing buildings. JCS Policy SD10(6) makes clear that residential development must seek to achieve maximum density consistent with (amongst other things) the character of the local environment.
9. The site adjoins existing houses and garage blocks on Bloxhams Orchard, a cul-de-sac, and is surrounded by thick hedging. It is essentially undeveloped and its soft, green form has affinity with the larger fields beyond. As such, it makes a positive contribution to the character and appearance of the area. The proposal would result in permanent built form encroaching into the countryside, together with associated hard surfacing and residential paraphernalia. As a result, the proposal would domesticate and urbanise the site. This would diminish its character and that of its surroundings, and the form of the settlement.
10. Although judged against a different planning policy position, I am mindful that a previous proposal for dwellings at the site was dismissed¹ (the 2016 scheme). The other Inspector found that the proposal before him would result in substantial adverse effects to the setting of the village, together with limited harm when viewed in particular from the adjacent Public Right of Way (PROW).
11. However, that proposal extended beyond the existing field boundary, to include a new area of public open space within an adjacent field. The indicative plans showed the removal of sections of hedgerow to provide access between the open space and the proposed dwellings. Furthermore, that scheme was for a greater number of units and was not limited to single storey dwellings, in contrast to the proposal before me.
12. The proposal would be visible from Bloxhams Orchard through the vehicular access. However, it would otherwise be self-contained within the existing field boundaries. As such, at TDC stage, it would be possible to screen much of the site with existing and enhanced landscaping, minimising its adverse effects on

¹ PINS reference APP/G1630/W/17/3174525

the village setting and the landscape, including from the adjacent PROW. The smaller number of dwellings and their single storey height would also limit the extent of its impact. As a result, the harmful effects of the proposal would be modest, including when compared to the 2016 scheme.

13. For the reasons given above, the location, use and amount of development proposed would not accord with the spatial strategy of the Development Plan for the distribution of housing, including its effect on the character and appearance of the area. As such, it would not comply with JCS policies SD6 and SD10, or TBLP policies RES3, RES4 and LAN2, all of which seek to protect landscape character. It follows that the proposal would also conflict with JCS Policy SP2 and with the similar aim of the National Planning Policy Framework (the Framework). Nevertheless, also for the reasons already given, the extent of the harm caused would be tempered. I therefore give the conflict with these policies only moderate weight.

Other Considerations

14. Despite recent development in the village and elsewhere, the Council accepts that it cannot currently demonstrate an adequate supply of housing land and has a significant shortfall. Accordingly, it is necessary for me to determine whether the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits inherent in providing additional dwellings to assist the Council in addressing its undersupply, as set out in Framework Paragraph 11.
15. I have found conflict with JCS policies SP2, SD6 and SD10 and TBLP Policies RES3, RES4 and LAN2 that carries moderate weight. Against that, the proposal would make a positive contribution to the supply of housing in the area, by the addition of a further five dwellings. In light of the current housing land supply position, I give this benefit significant positive weight.
16. I am also mindful that the Framework seeks to promote sustainable development in rural areas. Construction of the proposal would provide economic benefits, for example to the building industry, albeit for a relatively short period. Whilst I understand concerns about the pressure of the additional population on existing services and facilities, future occupiers of the proposal would also make social and economic contributions to the area. I therefore give additional limited positive weight to these benefits.

Other Matters

17. I understand that the road is used for school parking. Even so, I have little substantive evidence to demonstrate that the traffic movements generated by the proposal would risk highway safety or access for the emergency services. I note that the Highway Authority did not object to the appeal application.
18. A proposal could be developed that avoids undue adverse impacts to the living conditions of nearby occupiers, including in terms of privacy. Planning conditions could be imposed at TDC stage, if necessary, in respect of noise and disturbance from construction. The effect on ecology and drainage are also matters for TDC stage. These matters do not therefore change my conclusions.

Planning Balance and Conclusion

19. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
20. The proposal benefits from the presumption of sustainable development as outlined in Framework Paragraph 11. For the reasons given, I have found that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken in the round.
21. Consequently, despite the conflict with the Development Plan when read as a whole, material considerations indicate that Permission in Principle should be granted. I therefore allow the appeal.

O Marigold

INSPECTOR