

Appeal Decision

Site visit made on 3 September 2024

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2024

Appeal Ref: APP/C1625/W/24/3338429

Land at Ringfield Farm, Bath Road, Nailsworth, Gloucestershire GL6 0JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Stewart against the decision of Stroud District Council.
 - The application Ref is S.23/1211/FUL.
 - The development proposed is erection of one single storey dwelling with associated works including green walls and solar panels.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Stewart against the decision of Stroud District Council. This decision is the subject of a different decision.

Preliminary Matter

3. I have taken the site address from the Council's decision notice as I find that it is more accurate. I have borne this in mind when making my decision.

Main Issues

4. The main issues are:
 - The effect of the proposed development upon the character and appearance of the area;
 - The effect upon the natural environment; and
 - The effect of the proposal upon the Rodborough Common Special Area of Conservation (RCSAC) and the Cotswold Beechwoods Special Area of Conservation (CBSAC).

Reasons

Character and appearance

5. The appeal site comprises a vacant L shaped parcel of land extending behind dwellings fronting Tetbury Lane. The lane is characterised by detached

dwellings of varying scales, designs, plots sizes and shapes and setbacks from the highway. Whilst there is not a consistent building line dwellings are arranged in a manner that provides a degree of visual and physical connection with the road. The arrangement of properties and the spacing between houses results in a spacious environment. Existing vegetation along the roadside and between properties also contributes to this sense of spaciousness.

6. Located along the southern side of Tedbury Lane, at The Maltings, is a modern four storey apartment development under construction and immediately neighbouring the appeal site is Ringfield Close a recently completed development comprising 20 one and two storey dwellings and which sits lower than the appeal site.
7. I acknowledge that the local area has a varied character, however, the position of the proposed dwelling set deep into the plot tucked away behind an existing dwelling would be at odds with the established pattern of development along Tetbury Lane resulting in an awkward spatial relationship with nearby properties. This spatial relationship and lack of physical and visual connection to the road would result in a development that would not successfully integrate into the surrounding built form or positively contribute to it.
8. The proposed development would have a density commensurate with the surrounding area. That said, the plot width and tight arrangement of the dwelling with the side boundaries and built form gives the impression of a far less spacious and unduly cramped development. As such, it would not successfully integrate into the area undermining its spacious character and appearance.
9. Notwithstanding the scale, architectural detailing and landscaping proposed the incongruous and cramped nature of the development would be readily apparent within private views of neighbouring properties and from localised views from Ringfield Close and would not overcome the harm that I have identified.
10. The appellant has drawn my attention to residential developments nearby which he considers relevant to the scheme before me. However, based on the limited information available the schemes at The Maltings and Ringfield Close are not directly comparable to the appeal scheme. Whilst a scheme neighbouring the site for a single dwelling has been granted planning permission, it has a visual and physical link to the lane and its position is in the round consistent with the properties either side. In any event, every application and appeal must be considered on their own merits. I therefore find that the examples of other developments do not alter or outweigh my conclusion on this main issue.
11. As such, I conclude that the proposed development would adversely affect the character and appearance of the area contrary to Policies HC1(1) and CP14(5)(9) of the Stroud District Local Plan (2015) (LP) which, amongst other things, requires housing to be of a layout that is compatible with the character of the part of the settlement it is located; design and appearance that is respectful of the surroundings and contribute to a sense of place both

in the buildings and spaces and in the way in which they integrate with surroundings.

Natural environment

12. The potential for protected species carries statutory duties and is a matter of considerable weight. The appellant has undertaken a Preliminary Ecological Assessment (PEA) which concludes that the site has limited wildlife interest and low potential for protected species.
13. Despite the Council's assertions, it is clearly evident from reviewing the contents of the PEA including aerial maps and photographs that it relates to the appeal site.
14. Based on the evidence before me I am satisfied that sufficient information has been provided to demonstrate that the proposed development would not unduly affect wildlife locally. Furthermore, relevant conditions to secure biodiversity gains could be imposed if I were minded to allow the appeal.
15. As such, in this regard the proposed development would not unacceptably affect wildlife locally and would accord with LP Policy ES6 which, amongst other things, requires all new development to conserve and enhance the natural environment.

Impact on the RCSAC and CBSAC

16. The site lies within 3km of the RCSAC and 15.4km of the CBSAC. The proposed development would likely result in recreational visits to the habitat sites and it is necessary for me, as the competent authority for the purposes of the Habitat Regulations, to conduct an Appropriate Assessment in relation to the effect of the development on the integrity of the SACs.
17. The appellant has submitted two signed Unilateral Undertakings (UU), one relating to each SAC, which commits him to a financial contribution towards mitigation measures relating to the habitat sites. In addition, the appellant has paid the required monies directly to the Council.
18. On this basis, I am satisfied that the impact of the proposed development would be sufficiently mitigated and despite the Council's concerns, the submitted UUs provide a further mechanism to secure the mitigation.
19. As such, the proposal accords with LP Policy ES6 which, amongst other things, requires developments to safeguard and protect all sites of European and global importance.

Other Matters

20. I acknowledge that the proposed development would potentially be suitable for the elderly or wheelchair users and would incorporate renewable energy and other green technologies. I also note that it would meet minimum space standards, provide ample private amenity space and its design would not be out of keeping with the area. However, these factors individually or cumulatively do not outweigh the harm that I have identified.
21. The absence of objections from neighbouring occupiers weighs neither for nor against the proposal.

Planning Balance

22. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
23. The provision of a single dwelling would make a small contribution towards the areas housing supply. The development would provide jobs, but this would largely be limited to the construction phase. The site is located within a short distance of a range of day-to-day services. Future occupants would be able to reach these on foot and by public transport, providing them with transport choice and not an over-reliance on a car. The proposal would help maintain services and facilities in the local area. These are all factors weighing in the scheme's favour.
24. I note that the proposal would not impact upon open space, the natural environment or nearby heritage assets. However, these are largely matters of neutral consequence in the overall balance.
25. On the other hand, I have found that the proposal would be harmful to the character and appearance of the area. The Framework makes it clear that good design is a key aspect of sustainable development. It also expects development to add to the quality of the area and be visually attractive as a result of good architecture and layout. Even taking into account the objective to promote the effective use of land and to significantly boost the supply of housing including on small sites, the conflict between the proposal and the most important policies in the development plan should be given very significant weight in this appeal. Therefore, the adverse effects of the proposal would significantly and demonstrably outweigh its benefits.
26. Consequently, the presumption in favour of sustainable development does not apply and I have no reason to take a decision other than in accordance with the development plan.

Conclusion

27. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR