



Appeal Decision

Site visit made on 7 October 2024

by P D Sedgwick BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 October 2024

Appeal Ref: APP/G1630/W/24/3344955

Part parcel 7071, Opposite Garage on A38, Shuthonger, Tewkesbury

- 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 Matthews Construction against the decision of Tewkesbury Borough Council.
 - The application Ref is 23/01146/OUT.
 - The development proposed is outline application for the construction of up to 5 dwellings with all matters reserved bar access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the interests of clarity, in the banner heading above I have referred to the address of the appeal site given by the appellant on the appeal form as this corresponds with that used by the Council in their decision notice.
3. Outline planning permission is sought but with access to be considered at this stage. I have determined the appeal on this basis.
4. Following the submission of a revised plan (PL003 Rev F) the Council has advised they no longer wish to defend the fourth reason for refusal in respect of the effect on highway safety in relation to the proposed access. I therefore do not address this matter in the reasoning below.

Main Issues

5. The main issues are:
 - the principle of development having regard to the development strategy for the area;
 - the effect of the proposed development upon the character and appearance of the area; and,
 - whether the site is a suitable location for the proposed development having regard to the accessibility of services and facilities and sustainable transport options.

Reasons

Principle of development

6. Shuthonger comprises linear development along the A38. Houses are detached and set back from the footway edge behind front gardens and drives. Housing at the southern end of the village, between the Manor House and Owl Lane, is on the western side of the A38. It continues on the opposite side of the road up to the access for Springfield Nursery. Open countryside lies opposite both lines of houses and includes the appeal site which is part of a field north of Owl Lane.
7. Policy SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017) (JCS) directs new housing development to allocated sites and villages identified in a settlement hierarchy. Housing development elsewhere is only permitted subject to specific criteria such as exceptions defined in the district or neighbourhood plan. The Tewkesbury Borough Plan (2022) (TBP) permits very small scale development at rural settlements, such as Shuthonger, provided they meet the requirements of Policy RES4 of the TBP.
8. Criterion b) of Policy RES 4 states that cumulative development in rural settlements should generally lead to no more than 5% growth during the Plan period. The Council's assessment is that the proposed development of 5 dwellings would lead to 15% growth based on the settlement comprising approximately 32 houses. That figure broadly corresponds with my estimate of the number of houses between the Manor House and the line of houses ending at Springfield Nurseries to the north.
9. I consider this to be a more realistic figure than the 211 houses suggested by the appellant. That figure is based on the post code area and includes caravan parks and the village of Church End, which are not part of the linear pattern of development the appellant describes in their statement of case (SoC) and that I observed during my visit. The proposed development therefore exceeds the proportion of growth indicated as acceptable in Policy RES4. It would also fail to complement the form of the settlement as required under criterion c) of Policy RES4, because it would extend north beyond Owl Lane, which marks the end of linear development on the appeal site side of the road, and into open countryside.
10. I therefore conclude on this main issue that the proposed development would not be proportionate to the size of the settlement and is located where such housing growth would be contrary to the development strategy for the area and conflict with policies SP2 and SD10 of the JCS, Policies RES3 and RES4 of the TBP and Policy GD1 of the Twynning Neighbourhood Plan (2018) (TNP).

Character and appearance

11. The character and appearance of Shuthonger is defined by linear housing development on alternate sides of the A38, with open countryside opposite. Owl Lane and the appeal site, and surrounding field to the north of it, are important because they delineate the end of housing on the western side of the village and the transition to countryside, as noted in the appellants Landscape and Visual Appraisal (LVA) and described above. It also marks the point at which development starts on the opposite side of the road in the north of the village. Mature hedges mostly screen views into the site, and the field of which it is part, from the A38 and Owl Lane where it joins it.

12. I note that the LVA assessed the harm to the landscape character caused by the proposed development as moderate adverse and mainly limited to the site, rather than the wider landscape. A similar level of visual impact was described for the most affected viewpoints, on Owl Lane and along the A38. The LVA concluded that the proposal would not appear incongruous in short, medium and longer distance views.
13. However, the proposed development would encroach beyond the existing building line that defines the appeal site side of the village and into open countryside which forms part of its setting. Even though existing hedges and additional landscaping could screen the proposed development from the above viewpoints to a significant degree, it would be partially visible, as is the case with the housing opposite despite landscaping surrounding that development. It would, therefore, appear incongruous in shorter views and harm the character and appearance of the village from within and when passing through it.
14. The site is not a valued landscape afforded protection under the National Planning Policy Framework (2023) (the Framework), as noted by the appellant. Nonetheless, the proposed development would significantly change the appearance of the site extending urban development onto open land and thus would not maintain the intrinsic character and beauty of the countryside which the Framework seeks to protect. Furthermore, the proposed development would conflict with Policy SD4 of the JCS and Policies RES5 and LAN2 of the BDP which requires development to respect the form of the settlement and its landscape setting and not appear as an unacceptable intrusion into the countryside.

Accessibility

15. Services within the village are limited to a hot food takeaway, opposite which there is a bus stop. The Council has stated that the bus service is not a scheduled service but is instead demand based requiring pre-booking. As such, whilst it will enable some reduction in car trips, it cannot be relied upon for daily commuting.
16. The A38 road is a relatively busy single carriageway road. There is a footway on the opposite side of the road from the appeal site which links to Tewkesbury, but it is poorly maintained for much of its length. Also, it is unlit, narrow and overgrown in places and would not be safe for use by pedestrians or cyclists much beyond the village. There is no footway link to Twynning which is the nearest village with services including a shop, pub and school. Also, there are no designated cycle lanes linking the site to nearby settlements and given the narrow roads, level of traffic and absence of street lighting, I assume most journeys to nearby settlements would be by car.
17. I note that the Framework acknowledges the contribution that small sites can make to meeting housing needs and that rural development can support services in other villages. However, I have concluded above that the proposal would constitute significant development, in the context of the size of the village and the policies of the Development Plan, which according to the Framework should be focussed in sustainable locations.
18. The proposed development would therefore conflict with the Framework, Policy SD4 and INF1 of the JCS, Policies RES3, RES4 and RES5 of the TBP and Policy TP2 of the Twynning Neighbourhood Plan (2018) (TNP) which seek to direct

development to settlements with services accessible by sustainable transport modes.

Planning Balance

19. The Council cannot currently demonstrate a five-year supply of deliverable housing sites as required by the Framework. Consequently, paragraph 11d) of the Framework is engaged. It requires that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
20. The Framework identifies the overall purpose of the planning system is to contribute to the achievement of sustainable development. Achieving that includes managing patterns of growth to locations which limit the need to travel and offer alternatives to private car use, ensuring an integrated approach to considering the location of housing, economic uses and community facilities and services, and recognising the intrinsic character and beauty of the countryside.
21. The proposed development would provide benefits in terms of contributing towards the Council's housing land supply and providing jobs during construction, which weigh in favour of the development. The proposal would also contribute to sustaining local services and there would be some net biodiversity gain, albeit that is a requirement of all development. However, given the small scale of the scheme I do not consider that the limited benefits it would provide outweigh the harm to the character and appearance of the settlement and adjoining countryside, or the harm that would arise from locating development in an unsustainable location reliant mainly on car travel to access community services and facilities. Thus, the proposal would not be sustainable development for which the Framework indicates a presumption in favour.

Other Matters

22. I have considered other appeal decisions submitted by the appellant. Whilst I do not have the details of the proposals, I note in the Gretton Farm appeal decision¹ the site was identified as a gap between development and the Inspector concluded that the proposed development would not encroach into the countryside and therefore no harm would be caused to the character and appearance of the area. That differs from my conclusion in this appeal. The proposed development at Aston Cross² included an element of affordable housing and education contributions which weighed heavily in its favour. I have no evidence before me that the proposed development would include such benefits.
23. The appeal at Twigworth³ included the delivery of a large amount of market and affordable housing which the Inspector accorded substantial weight. I do not consider the modest contribution the proposed development in this appeal would make to meeting the area's housing needs is comparable. The Twigworth proposal also included other benefits that the appeal proposal does not. These included open space provision, highway enhancements, flood risk alleviation and financial contributions secured through a section 106 agreement.

¹ APP/G1630/W/22/3296143

² APP/G1630/W/23/3329145

³ APP/G1630/W/23/3326538

Conclusion

24. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

P D Sedgwick

INSPECTOR