



Appeal Decision

Site visit made on 27 November 2024

by R Kent BA (Hons) MTP DipM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 February 2025

Appeal Ref: APP/G1630/W/24/3347594

Land to west of Willow Bank Road, Alderton, Tewkesbury, Gloucestershire, GL20 8NJ

- 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 Mrs Rachel Keighley against the decision of Tewkesbury Borough Council.
 - The application Ref is 23/01148/PIP.
 - The development proposed is Residential Development for up to 9 houses.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is for permission in principle. Planning Practice Guidance advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
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. Various documents were submitted by the parties after the appeal had been submitted. The appellant's evidence included a letter from 'Rappor infrastructure and environmental consultants' dated 4 July 2024 which included an offsite footway feasibility assessment plan reference 201232-RAP-XX-XX-DR-TP-6000 revision P01. The Council has had the opportunity to comment on the letter and plan which is indicative only.
5. The comments of the Highway Authority were submitted to the Council after it had issued its decision on the planning application but were attached to the Council's Statement of Case. The appellant has provided a response to those comments and I have had regard to them in my decision. I am satisfied that this has not prejudiced any party.
6. During the appeal, the Council submitted a 'Five Year Housing Land Supply Statement as at 31 March 2024' which it published in November 2024. This indicates that the Council can demonstrate a total deliverable housing supply of

3.65 years compared to the figure of 3.24 years indicated in the Council's officer's report. The appellant has had the opportunity to comment on the updated position and I have taken this into account in my decision.

7. Whilst the evidence refers to the National Planning Policy Framework (the Framework) 2023 and consultation on revisions to it, a revised Framework was published in December 2024. I have had regard to the revised Framework in my decision. Where the parties have referred to paragraphs in the previous Frameworks I have cross referred the points made to the new Framework.

Main Issue

8. 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

Location

9. The locational strategy for the distribution of new residential development is set out in policy SP2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017 (the JCS). Alderton is defined as a 'service village' in table SP2c of the policy. The explanatory text to JCS policy SP2 indicates that 'service villages' have sufficient services to be a suitable location for limited residential development but that the distribution of development across service villages will be guided by the Tewkesbury Borough Plan 2011-2031 (TBP) and neighbourhood plans.
10. The appeal site is a field which lies beyond the village settlement boundary identified in the TBP and Alderton Neighbourhood Development Plan 2018 (ANDP) and is physically separated from the village by a large field and water course. Whilst development has taken place on the edge of the village to the north-east of the site, visually the site does not look or feel part of the village and does not fall within it.
11. Policy RES3 of the TBP identifies a number of categories of residential development where the principle of new housing development outside settlement boundaries is considered acceptable. Beyond settlement boundaries, the reasoned justification to policy RES3 indicates that a restrictive approach is required to new residential development. Whilst the policy countenances very small scale development at rural settlements in accordance with policy RES4, as Alderton features within the settlement hierarchy as a service village, it does not constitute an 'other rural settlement' as identified in policy RES4.
12. The site is situated immediately to the north of a small group of other buildings at the junction of Willow Bank Road and the B4077 which are detached from the village. They do not form part of the continuous built form of the village. The fragmented nature of the group of buildings and their separation from the village means that they do not form part of the settlement and do not constitute a settlement in their own right for the purposes of policy RES4.
13. The proposal does not fall within any of the other categories of acceptable development identified in RES3. Nor does the evidence show that the site is identified in a future development plan to meet an additional need for further housing in Alderton as set out in policy H1 of the ANDP. As a result, the relevant

development plan policies do not support the introduction of new dwellings on the site.

14. The explanatory text to policy SD10 indicates that outside cities, towns, rural service centres and service villages there are generally insufficient services to support development and so they are not considered sustainable locations for residential development. Whilst the village has a number of services and facilities including a primary school, shop, church and pub, there is currently no footway linking the site to the village to the north. Access from the site to those facilities by foot would currently involve walking along a stretch of unlit road, part of which is within the 50mph speed limit which starts a short distance to the north of the site. The speed of traffic, coupled with the absence of street lighting and space for pedestrians to take refuge from passing vehicles would not make it an attractive route for pedestrians, particularly after dark or in inclement weather.
15. Similarly, whilst there are bus stops within walking distance of the site on the B4077 and within the village, pedestrian access to them would also require walking along stretches of unlit road without footways. The Framework recognises that opportunities to maximise sustainable transport solutions varies between urban and rural areas. In this instance, even taking into account the Community Connect bookable service, the limited nature of the bus services means that travel by car would be likely for access to employment, secondary schools, health care and shopping.
16. The poor pedestrian access to the village however might be capable of being improved through the provision of a footway along the north western side of Willow Bank Road as shown on the appellant's indicative footway plan. The feasibility of this, its detailed design and its effect on the rural character, including the effect on the mature hedgerow which runs along the boundary of the road, would be matters for the Council and Highway Authority to consider at the technical details consent stage if I were minded to allow the appeal. It would however improve pedestrian access from the site to the services in the village.
17. Reference has also been made to the planning permission granted by the Council for the erection of up to 48 dwellings on land behind 52 to 74 Willow Bank Road¹ and a condition requiring the provision of a pedestrian crossing on Willow Bank Road. I have not seen details of the required crossing or its proposed position. Its relationship to the appeal proposal and the indicative footway link would be a matter for the relevant parties to address at the technical details consent stage.
18. Nevertheless, when judged against the relevant development plan policies, for the reasons given the proposal would not be in a suitable location. It would conflict with the locational strategy for new residential development contrary to JCS policies SP2 and SD10, TBP policies RES3 and RES4 which seek to control development in rural areas and ANDP policy H1 regarding windfall sites.

Land use and amount of development

19. The site is currently part of a field, classed as poor quality grazing land, which slopes down to a brook running along its northern boundary. The evidence indicates the site was previously used for tipping and has been recontoured. It is enclosed on its southern and eastern sides by hedgerows. Whilst there is an

¹ LPA ref 22/00998/FUL

above ground pipeline traversing part of the site and the small group of buildings beyond its southern boundary, the site forms part of a tract of open countryside which contributes to the rural setting of the village.

20. The topography means that despite the hedgerows along the site boundary and the hedgerows and trees on adjoining land, the higher part of the site was clearly visible in views from Willow Bank Road when I visited the site. I noted on my site visit that a length of the hedgerow along the eastern boundary of the site bordering the road frontage had been reduced in height compared to that shown in the photographs from Viewpoints V8 and V9 in the appellant's Landscape and Visual Statement (LVS). This reduced the screening effect of the hedgerow on views of the site, including from the south east which is identified as a 'significant view' in ANDP policy LC2.
21. The site falls within a 'Special Landscape Area' (SLA) under TBP policy LAN1. SLAs are defined as areas of high quality countryside of local significance and considered by the Council to be a valued landscape for the purposes of the Framework. Policy LAN 2 requires that regard is had to the Gloucestershire County Council Landscape Character Assessment. The part of the SLA in which the site lies is within the Character Assessment's 'Unwooded Vale' landscape character type. The description of this landscape character type makes reference, amongst other things, to an irregularly, sometimes broadly undulating landscape, medium to large hedged fields and sparse woodland cover and relatively sparsely settled agrarian landscape with rural villages, scattered farms and dwellings. These are significant features in the character of the local landscape and also reflected in the 'Teddington & Greet Vale' landscape character areas referred to in the appellant's LVS. The site and its surroundings are consistent with, and contribute to, this character.
22. Whilst the village has been extended through recent developments allowed on appeal on its south eastern edge², those developments about the built up area of the village and physically and visually now appear part of it. In contrast, the proposal would be separated from the existing and approved dwellings on the west side of Willow Bank Road to the north by a field and the brook. It would also appear detached from the new development on parcel 008 allowed on appeal on the west side of Willow Bank Road due to the landscaped buffer between the dwellings and watercourse on the south western edge of that development.
23. As a result, even though the number and form of dwellings and their siting would be matters for the technical details consent stage if the appeal were to be allowed, the development of the site for dwellings would be a separate pocket of development poorly related in physical and visual terms to the edge of the village. Although close to other buildings beyond its southern boundary, those existing buildings are part of the sparsely settled agrarian landscape beyond the edge of the village. The addition of even a small number of dwellings beyond the northern edge of the existing group of buildings would reduce the open and rural character of the land separating it from the village. The resulting physical encroachment of development towards the village would cause significant harm to the countryside setting of the village and the rural character of Willow Bank Road leading into it.

² APP/G1630/W/14/3001584; APP/G1630/W/20/3259637; APP/G1630/W/22/3310117.

24. The visual impact of the development on the landscape would be reduced by the intervening trees and hedgerows, particularly during the summer months. Sensitive design and layout of the development would further mitigate its visual impact. As a consequence, the effect of the development on the views from the Cotswolds National Landscape would not harm the National Landscape or its setting.
25. Whilst details of the access would be for the technical details consent stage, the LVS indicates that access to the site may require a significant length of hedgerow to be removed. The indicative footway plan also shows how access and visibility might be provided and the effect on the hedge. Together with the higher site levels, the removal or reduction of the hedge would increase the visibility of the development and its visual impact on the landscape in short distance views from Willow Bank Road.
26. Although the visual impact could be mitigated by an appropriate landscaping scheme, including a replacement hedgerow if required, at the technical details consent stage if the appeal were allowed, this would not overcome the harm caused to the character of the countryside by the encroachment of the development. This would be particularly noticeable during the time that it would take new planting to mature.
27. The overground pipeline across part of the site detracts from its attractiveness. Whilst it may be feasible to design a residential scheme to reduce the visual impact of the pipeline, that potential enhancement would not overcome the harm caused to the rural character of the landscape by the proposed development. Similarly, whilst the site was previously used for tipping, the evidence does not demonstrate that the development is required to remediate or mitigate it.
28. I have given careful consideration to the other housing developments which have been permitted around the edge of the village. As well as the appeal sites and planning permission I have already referred to, a further site was allowed on appeal on land south of Beckford Road in 2014³. Whilst they are individually and cumulatively much larger developments than the proposal, they all abut the settlement boundary and appear as logical, albeit substantial additions to the village. This is in contrast to the proposed development which, although smaller, would be physically and visually detached from the village and not look or feel part of it.
29. For the reasons given, the change in land use and the amount of proposed development would harm the rural character and appearance of the countryside adjoining the village and have a harmful effect on the Special Landscape Area. This conflicts with JCS policy SD6, TBP policies LAN1 and LAN2, and ANDP policy LC2 in so far as they seek to protect the character of the landscape.

Other Considerations

30. Set against the harm I have identified, there would be economic, social and environmental benefits associated with the proposal. It would provide up to 9 additional dwellings to assist meeting local housing needs which, given the housing supply shortfall, would be a significant benefit. It would also generate employment during construction, provide an opportunity to mitigate the visual

³ APP/G1630/A/13/2209001

impact of the pipeline, and future residents would generate custom for the services and facilities in the village including the shop and pub. The development also provides the opportunity for habitat improvements, biodiversity net gain and the use of renewable energy. Given the relatively small nature of the development these benefits however would be relatively modest. The provision of a footway to the village is only at the feasibility stage but would nevertheless also be a significant benefit.

31. As well as meeting general housing needs, the proposal would also, in principle, present an opportunity to provide up to 9 self-build and custom-build dwellings. The Framework highlights the importance of a sufficient amount and variety of land coming forward where it is needed and that the needs of groups with specific housing requirements are addressed. Those groups include people wishing to commission or build their own homes.
32. Footnote 28 of the Framework makes clear that under section 1 of the Self Build and Custom Housebuilding Act 2015, the Council is required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom-house building. It is also subject to duties under sections 2 and 2A of that Act to have regard to this and to give enough suitable development permissions to meet the identified demand.
33. The evidence indicates that the Council has a shortfall of at least 9 plots as of October 2021 and this figure had not been updated as of February 2024. It is also suggested by the appellant that this may be a significant underestimate. Whilst the mechanism to secure the delivery of self-build and custom-build housing would be a matter for the technical consent stage if the appeal were to be allowed, the provision of up to 9 additional units would be a significant benefit of the scheme.

Planning Balance

34. For the reasons given, the proposals would not be in a suitable location having regard to the development plan's spatial strategy for the distribution of housing. The change in the land use and the amount of development proposed would cause harm to the character and appearance of the countryside and the Special Landscape Area. The proposal therefore conflicts with JCS policies SP2, SD6 and SD10, TBP policies RES3, RES4, LAN1 and LAN2 and ANDP policies H1 and LC2.
35. The revised Framework continues to have the objective of significantly boosting the supply of homes. It continues to indicate that the contribution that a small site such as this makes to meeting the local housing requirement can be important as it can be built out relatively quickly. Given the scale of the shortfall in the housing land supply, the proposed addition of up to 9 dwellings to the housing supply, whilst modest, would be a significant benefit and therefore attracts substantial weight. However, as the mechanism by which the self-build and custom-build housing might be secured is not before me, this benefit attracts limited weight at this stage. The economic benefits of the development would be modest and attract moderate weight. As the visual impact of the pipeline could be mitigated without the proposed development, this attracts limited weight. I have not seen details of how the proposed habitat improvements and other environmental benefits would be achieved, therefore they attract limited weight at this stage. As the feasibility of the footway is not yet established it also carries limited weight at this stage.

36. The JCS dates from 2017, the ANDP from 2018 and the TBP from 2022 but the weight to be attached to the policies contained within them does not hinge on their age. Paragraph 232 of the Framework makes it clear that due weight should be given to existing policies according to their consistency with the Framework. The revised Framework still recognises the intrinsic beauty and character of the countryside and the requirement to conserve and enhance valued landscapes and the relevant development policies remain consistent with this.
37. As there are no policies in the development plan which positively favour development of this kind in this location and as the proposal would be contrary to the policies referred to above, I conclude that there would be conflict with the development plan as a whole.
38. The evidence indicates that the Council can only demonstrate 3.65 years supply of deliverable housing sites although the appellant suggests it may be as little as 2.27 years. In these circumstances, applying footnote 8 to paragraph 11 of the revised Framework, 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
39. The significant harm to the rural character of the countryside caused by its separation from the village however carries substantial weight. The modest visual harm to the landscape could be mitigated by appropriate design, layout and landscaping and therefore carries moderate weight. Taking into account the shortfall in the housing supply balanced against the modest contribution that the scheme would make to it, the significant harm caused by the conflict with the development plan policies to direct residential development to sustainable locations also carries moderate weight.
40. Overall, the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

41. The proposal conflicts with the development plan and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

R Kent

INSPECTOR