



Appeal Decision

Site visit made on 21 January 2025

by **D Wilson BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 February 2025

Appeal Ref: APP/G1630/W/24/3347121

Braemar, Butts Lane, Woodmancote, Tewkesbury GL52 9QH

- 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 D. Cross against the decision of Tewkesbury Borough Council.
 - The application Ref is 23/00831/PIP.
 - The development proposed is erection of two dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) 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 permitted¹. 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.

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 a large parcel of land that forms part of the garden to the side of Braemar. The site is grassed and bordered by a dense row of trees and hedges. The wider area is predominantly residential with development concentrated on the opposite side of the road to the appeal site, dwellings along Butts Lane are mostly large and occupy substantial plots. Development on the same side of the road as the appeal site is mostly sporadic and well-spaced apart with open fields and areas of woodland.

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

6. The site is located beyond the recognised settlement boundary of Woodmancote and is therefore located within the open countryside. Policy SP2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 Adopted December 2017 (CS) provides the spatial strategy for how development will be distributed and delivered and on the basis of the sites location, part 6 is relevant which states that Policy SD10 of the CS will apply for residential developments.
7. Policy SD10 directs that for housing proposed in areas that are not allocated, nor within previously developed land subject to certain criteria which the proposed development would not meet. Policy RES3 of the Tewkesbury Borough Plan 2011-2031 Adopted Version (BP) concerns new housing outside settlement boundaries the principle of new residential development will be considered acceptable subject to certain criteria which the proposed development would also not meet.
8. The appeal site is located within the Cotswolds National Landscape. Paragraph 187 of the National Planning Policy Framework 2024 (the Framework) seeks to ensure that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. Paragraph 189 requires that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes.
9. The appeal site forms part of the garden of Braemar, however, its large size which is mostly grassed contributes positively to the open and rural character of the surrounding area which is predominantly open fields on the same side of the road as the appeal site. The opposite side of the road contains a line of dwellings and is linked with the dense settlement and therefore has the visual appearance of forming its edge. This is illustrated in viewpoint 1 of the appellants Statement of Case: Landscape and Visual Matters, where the dwellings on the opposite side of the road form a clear line with Braemar being separate and more closely linked with the open and rural character of the area.
10. The proposal would result in two dwellings on the appeal site which would erode its open character and appearance. The closeness to Braemar would also give the appearance of a cluster of three houses which are not common on this side of the road.
11. To the rear of the appeal site is an escarpment which rises beyond the appeal site which is identified within the Cotswolds Area of Outstanding Natural Beauty Management Plan 2018-2023 (Cotswolds Management Plan) as a special quality of the Cotswolds National Landscape. The appeal site's location, beyond the settlement edge is predominantly open and allows for mostly unrestricted views towards the escarpment which the provision of two dwellings would restrict. The two dwellings within proximity to Braemar would also fail to maintain the open, dramatic and sparsely settled character of the escarpment.
12. The proposal would therefore not conserve or enhance the natural beauty of the Cotswolds National Landscape, nor its character or special qualities.

13. For the above reasons, I consider that the site would not be suitable for residential development, having regard to its location within the open countryside and Cotswolds National Landscape. It would be contrary to Policies SP1, SP2, SD6, SD7 and SD10 of the CS, Policies of RES3, RES4 and LAN2 of the BP, Policy 1 and 3 of the Woodmancote Neighbourhood Development Plan 2020-2031 Made Version June 2023 (NP) and Policy DTP1 of the Cotswolds Management Plan. Amongst other things, these seek to ensure that development protects landscape character for its own intrinsic beauty and conserves and, where appropriate, enhances the landscape and scenic beauty of the Cotswolds National Landscape.

Other Matters

14. The appellant has referred to other developments and appeals in an attempt to justify the appeal proposal. I do not have the full details in respect of such examples so I cannot be sure of the circumstances. In any case, I have determined the appeal on its own merits, based on the evidence before me.
15. In regard to Box Farm this relates to a permission in principle for a single dwelling and I have not been provided with any plans to establish its proximity in connection with the appeal site. However, while I note that it was considered that the proposal would follow the general pattern of development and would not appear as a strident addition to this part of the Cotswolds National Landscape, this differs from my findings in the appeal before me.
16. In relation to Land between Southrise and Kerrs Hill² which relates to a single dwelling, it was found that the proposal was located within an established ribbon development which differs from the appeal before me.
17. I am aware that the site is proximate to the Grade II listed building Brook Cottage. Mindful of the statutory duty set out in s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have had special regard to the desirability of preserving its setting. The open backdrop of the appeal site positively contributes to its significance. Nevertheless, given the location of the proposed development which is some distance away and well obscured by trees, only glimpsed views would be possible, I consider that it would preserve the setting of this listed building and the contribution it makes to its significance. I note the Council had no concerns in this regard either.

Planning Balance

18. The proposal would be contrary to Policies SP1, SP2, SD6, SD7 and SD10 of the CS, Policies of RES3, RES4 and LAN2 of the BP, Policy 1 and 3 of the NP and Policy DTP1 of the Cotswolds Management Plan. These Policies are consistent with the Framework in seeking to direct new development within settlement boundaries and ensuring that proposals enhance the natural and local environment by protecting and enhancing valued landscapes.

² APP/G1630/W/22/3308688

19. The Council is unable to demonstrate a 5-year supply of deliverable housing sites in accordance with Paragraph 72 of the Framework. The appellant states that the Council are only able to demonstrate a 3.39 year supply, which is not disputed by the Council. This represents a significant undersupply. Paragraph 11 d) of the Framework indicates that, in such circumstances where the requisite housing land supply cannot be shown, the Policies which are important for determining the application should be deemed out-of-date and permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the Policies in the Framework taken as a whole.
20. Having regard to the areas of harm identified, Paragraph 11 d) of the Framework indicates that, in such circumstances where the requisite housing land supply cannot be shown, the Policies which are important for determining the application should be deemed out-of-date and permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the Policies in the Framework taken as a whole.
21. The proposed development would contribute to the supply of new homes in a situation where there is a shortfall. This attracts significant weight in favour of the proposed development.
22. The proposal would also support the creation of jobs directly and indirectly during construction and result in future occupiers spending in the locality. Although these benefits are tempered by the fact that the proposal is only for two dwellings.
23. In this instance, the unsuitable location for the development proposed as well as the harm to the Cotswolds National Landscape, which I must give great weight, would significantly and demonstrably outweigh the benefits. As such, the proposal would not constitute a sustainable form of development in terms of the Framework.
24. Consequently, when assessed against the Policies in the Framework when taken as a whole the adverse impacts identified above would significantly and demonstrably outweigh the benefits.

Conclusion

25. For the reasons given above the appeal should be dismissed.

D Wilson

INSPECTOR