



Appeal Decision

Site visit made on 7 May 2025

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th June 2025

Appeal Ref: APP/G1630/W/25/3358568

Land West of Cherry Trees, Gotherington Fields, Gotherington, Cheltenham GL52 9SB

- 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 and Mrs Parry against the decision of Tewkesbury Borough Council.
 - The application Ref is 24/00611/PIP.
 - The development proposed is construction of up to 2 dwellings.
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Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising a minimum of 1 and a maximum of 2 dwellings at Land West of Cherry Trees, Gotherington Fields, Gotherington, Cheltenham GL52 9SB in accordance with the terms of the application, Ref 24/00611/PIP.

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 comprises a parcel of land adjacent to and accessed by Gotherington Fields which is a narrow road with passing places. The site is flat, open and predominantly grassed and also contains a track to the property, Cherry Trees which is located behind the appeal site.

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

6. The appeal site lies outside of the defined development boundary for Gotherington. In this regard, Policy SD10 of the JCS Joint Core Strategy Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 Adopted December 2017 (JCS) sets out that sites outside of the development boundary, housing development would be permitted where it would represent infill within the existing built-up areas of Tewkesbury Borough's towns and villages. The proposed development is located at the edge of a row of houses and would therefore not constitute infill.
7. Policy RES3 of the Tewkesbury Borough Plan 2011-2031 Adoption Version (LP) states that outside of the defined settlement boundaries the principle of new residential development will be considered acceptable where the development being proposed meets a list of set criteria. Amongst other things, this includes very small-scale development at rural settlements in accordance with Policy RES4 of the LP. While the development is small scale, Policy RES4 supports development within and adjacent to the built-up area of other rural settlements which would not include Gotherington.
8. Policies GNDP03 and GNDP11 of the Gotherington Neighbourhood Plan 2011-2031 (NP) provide further criteria for new housing development outside of the defined settlement boundary. However, the proposal would not meet any of these. The appeal site would therefore be unsuitable for residential development having regard to its location outside of the defined settlement boundary.
9. The appeal site is located within a moderate walking distance to Gotherington; however, all of the routes would involve walking on unlit roads or public rights of way which would make walking an unattractive option for future occupiers, despite the moderate distance.
10. The closeness to Gotherington and also the larger area of Bishops Cleeve, combined with the generally straight roads with good visibility would however provide options for cycling to access a number of facilities.
11. The site is also a very short distance to a bus stop located on the A435 and while a very short stretch of Gotherington Fields would need to be walked along which does not have any footways, the road is straight with good visibility towards the junction which would make this an option for future occupiers to access larger settlements by bus. The proposal would therefore provide transport choices other than the private vehicle and would not conflict with Policy INF1 of the JCS which seeks to ensure safe and accessible connections to the transport network to enable travel choice for residents and commuters.
12. The appeal site is an open parcel of land that is located at the end of a row of houses and then leads to the open countryside. The layout and scale of the proposed development would be a matter for technical details consent. Nevertheless, I am satisfied that it would be possible to develop the site for housing while maintaining the open character and appearance of the area. The proposal would therefore not conflict with Policy SD6 of the JCS, Policy LAN2 of the LP and Policy GNDP09 of the NP. Amongst other things, these seek to ensure that development protects landscape character for its own intrinsic beauty and be integrated into their existing landscape setting.

13. Notwithstanding the opportunities for sustainable travel and potential to have limited impact on the character and appearance of the area. Overall, I consider that the site is unsuitable for residential development, having regard to its location, the proposed land use and the amount of development through its location outside of the defined settlement boundary. The proposal would be contrary to Policies SP2 and SD10 of the JCS, Policies RES3 and RES4 of the LP and Policies GNDP03 and GNDP11 of the NP. Amongst other things these seek to ensure that development is appropriately located and supports the vitality of rural communities.

Other Matter

14. The appellant has referred to other clusters of developments nearby 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.

Planning Balance

15. The proposal would be contrary to Policies SP2 and SD10 of the JCS, Policies RES3 and RES4 of the LP and Policies GNDP03 and GNDP11 of the NP. These Policies are consistent with the National Planning Policy Framework in seeking to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and avoid the development of isolated homes in the countryside.
16. The Council is unable to demonstrate a 5-year supply of deliverable housing sites in accordance with Paragraph 72 of the Framework. The Council is only able to demonstrate a 3.14 year supply which 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.
17. 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.
18. The proposed development would result in the construction of up to two homes which attracts significant weight in view of the shortfall. There would also be economic benefits through the building out of the scheme and future occupiers spending in the locality. The benefits would outweigh the harm caused by the location of the appeal site outside of a defined settlement boundary.

Conclusion

19. For the reasons set out above, I conclude that the appeal should be allowed.

D Wilson

INSPECTOR