



Appeal Decision

Site visit made on 1 May 2025

by **Laura Cuthbert BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 July 2025

Appeal Ref: APP/G1630/W/24/3355688

Greenway Farm, Little Shurdington, Cheltenham, Gloucestershire GL51 4TX

- 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 and Mrs Paddy (JGO) & Janet Norman against the decision of Tewkesbury Borough Council.
 - The application Ref is 24/00249/FUL.
 - The development proposed is Erection of a one and a half storey self-build cottage replacing existing barns/outbuildings (together with associated works).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was made, a revised National Planning Policy Framework (the Framework) was published on 12 December 2024. I have taken the revised Framework into account as part of the determination of this appeal.
3. An updated Preliminary Ecological Assessment¹ has been submitted with the appeal. The Council is now satisfied that due consideration has been given to reptiles/amphibians, especially with regards to a non-licensed approach for Great Crested Newts. Therefore, the Council is no longer defending the fifth refusal reason. I see no reason to come to a different conclusion on this matter so the fifth reason for refusal is not a main issue.

Main Issues

4. The main issues are:
 - whether the proposal would represent inappropriate development in the Green Belt, having regard to the Framework and any relevant development plan policies, including the effect of the proposal on the openness of the Green Belt and whether it would be in a sustainable location, having regard to the access to services and facilities;
 - whether the proposal would provide a suitable location for housing, having regard to the development strategy area;
 - the effect of the proposal on highway safety, in regard to whether adequate visibility splays would be achieved; and

¹ Prepared by Ros Willder (Willder Ecology), dated 13 November 2024

- if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate Development

5. The appeal site falls within land defined as Green Belt. Paragraph 154 of the Framework states that development in the Green Belt shall be regarded as inappropriate development. Paragraphs 154 and 155 of the Framework list a number of exceptions to this.

Limited Infilling

6. Paragraph 154 e) of the Framework allows for limited infilling within villages. In the absence of any definition of 'limited infilling' in the Framework, I am aware of the Court of Appeal judgement² which determined that the village need not be the same as a settlement boundary for the purposes of the Framework, depending on the situation 'on the ground'. Furthermore, whether or not a proposal represents limited infilling is ultimately a matter of planning judgement³, having regard to factors such as the number of buildings or properties that are grouped together, their inter-relationship and spacing, and the juxtaposition of the site with surrounding buildings and any open land beyond. I also note that Policy SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (the JCS) (adopted 2017) defines infill development as 'the development of an underdeveloped plot well related to existing built development'.
7. The appeal site relates to a parcel of land situated to the north of Greenway Farm, a detached farmhouse which lies to the northeast of Little Shurdington, a rural settlement which has no recognised settlement boundary. Whilst the appeal site forms part of a small cluster of dwellings including Greenway Farm itself, alongside Greenway Cottage and Stone Cottage, these are situated approximately 160m away from the core of the settlement and separated by a large open field. Therefore, I did not read the appeal site as being 'within' Little Shurdington. Whilst I recognise the mapping information provided by the appellant⁴, which shows 'Little Shurdington' written over Greenway Farm and that 'the sand yellow colouring (associated with residential) covers the Greenway Farm residential land', this is not a definitive recognition of the situation 'on the ground'.
8. Apart from the existing farmhouse which would be to the south of the proposal, the proposed dwelling would be surrounded by open countryside. Therefore, I am not persuaded that it would be well related to existing built development, and it would not infill a gap as such in between dwellings. Furthermore, whilst the land is associated with the farmhouse, there is a stream and an established hedge visually and physically separating the parcel of land where the dwelling would be sited and the main private garden area associated with the farmhouse, albeit it is acknowledged that there is an opening in the hedge linking the 2 parcels of land allowing for an 'inter-connection between the 2 areas. However, there is only a low-

² Julian Wood v The Secretary of State for Communities and Local Government and Gravesham Borough Council [2015] EWCA Civ195

³ R (Tate) v Northumberland CC (2018) EWCA Civ1519

⁴ Document 3.3 of the Appellant's Statement of Case

key post and wire fence separating the appeal site from the open countryside beyond. Therefore, in my mind, also taking in to account the distance of the existing buildings from the farmhouse, the appeal site has a greater affiliation with the surrounding countryside, transitioning away from the small cluster of dwellings.

9. The appeal site is also a notable change in character from the more regular built form within the core of the village, alongside the narrow access track which serves Greenway Farm. Furthermore, due to the landform and the siting of the small cluster of dwellings, they are well hidden and consequently, they are not visually nor physically read as part of the village.
10. Therefore, given the situation on the ground, the appeal site currently has a greater affinity with the surrounding countryside than the built up form of the village. The proposal would not fill any clear gap between existing development and would not comprise limited infilling under paragraph 154 e) of the Framework.

Limited infilling or the partial or complete redevelopment of previously developed land

11. Another exception set out in criterion g) of paragraph 154 is the limited infilling or the partial or complete redevelopment of previously developed land (PDL) (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
12. Even if I was to accept that the appeal site could be considered as PDL under any of the scenarios outlined by the appellant, including applying the Burdle⁵ and Dartford⁶ principles, the determining factor is whether the 'redevelopment' would cause substantial harm to the openness of the Green Belt.
13. A fundamental aim of Green Belt policy, as set out in paragraph 142 of the Framework, is to keep land permanently open. Openness has both a visual and spatial dimension and the absence of visual intrusion does not, in itself, mean that there is no impact on the openness of the Green Belt.
14. Agricultural buildings are an expected feature of the countryside, including the Green Belt, and indeed fall within the list of exceptions set out in Paragraph 154 of the Framework as being not inappropriate development.
15. The existing barns on the appeal site are single storey, timber buildings. There are also 2 much smaller glass greenhouses. Regardless of their use, the existing buildings currently sit appropriately and unobtrusively in their rural setting. They are served by a very informal grassed access, enclosed with a field gate. They would be replaced by the proposed dwelling and the footprint of the proposal would be similar to the existing buildings collectively. However, the size and scale of the dwelling would consolidate the built form on the appeal site, introducing a larger single structure of a greater height. It would clearly have a more domestic appearance, with dormer windows introduced to both the front and rear elevations. The erosion of three-dimensional space arising from the overall size and mass of the building would cause substantial harm to both the visual and spatial openness of the Green Belt.

⁵ Burdle & Williams v SSE & New Forest RDC [1972] 1 WLR 1207

⁶ Dartford Borough Council v Secretary of State for Communities and Local Government [2016] EWHC Civ635

16. The appellant alleges that the appeal site is already within 'the Greenway Farm residential planning unit and as such will not add to domestication, or to an increase in domestic paraphernalia'. However, despite their current use and their relationship with Greenway Farm, the existing buildings function and thus interact with their surroundings differently in character terms to that of an independent dwelling with its own access, parking, and curtilage. The formation of a separate residential dwelling would considerably intensify the residential use of the site, introducing additional urbanising features including a driveway, planting, car port, hardstanding, and domestic paraphernalia, as well as through additional vehicle movements. These features would also result in an erosion of openness.
17. Therefore, irrespective of whether the site comprises PDL, introducing a new dwelling would be visually and spatially intrusive and thus diminish the openness of the Green Belt. Consequently, the proposal would cause substantial harm to the openness of the Green Belt. The proposal would not therefore meet the criteria for the limited infilling or the partial or complete redevelopment of previously developed sites, as set out at criterion g) of paragraph 154 of the Framework.

Grey Belt

18. The Framework defines 'grey belt' as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143.
19. The proposal would be contained within the existing boundaries associated with Greenway Farm. Due to the siting of the dwelling, it would not result in the unrestricted sprawl of large built-up areas, the merging of towns, nor affect the setting and special character of historic towns. Logically, I must therefore conclude the site does not strongly contribute to purposes (a), (b) and (d) of paragraph 143 of the Framework. In addition, the proposal would not affect areas or assets in footnote 7 of the Framework (other than Green Belt). The proposal would therefore utilise grey belt land.
20. Paragraph 155 of the Framework sets out that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all 4 criteria would apply. The appellant has set out that paragraph 155 'is worded in such a way that compliance with any one of the four identified exceptions will ensure that such development is not inappropriate development'. However, paragraph 155 specifically states that all of the criteria would need to be complied with.
21. In regard to the first criteria, the spatial and visual impacts of the proposed development would result in the loss of Green Belt openness as concluded above. However, the loss in openness would be localised and the development would utilise grey belt land. It would not fundamentally undermine the purposes, taken together, of the remaining Green Belt across the planning authority's area. Thus, the proposal would comply with criterion 'a' of Framework paragraph 155.
22. In regard to criterion 'b', the Council cannot demonstrate a five-year supply of housing. Therefore, for the purposes of criterion 'b' of Framework paragraph 155, there is a demonstrable unmet need for the type of development proposed.
23. In regard to criterion 'c', having regard to paragraphs 110 and 115 of the Framework, it is recognised that opportunities to maximise sustainable transport

solutions will vary between urban and rural areas, and this should be taken into account in decision-making.

24. The proposal would be situated in the open countryside, outside of any adopted settlement limits. A number of facilities and services that are available in Shurdington are within 2km walking distance from the appeal site, including a primary school, a public house, a general store/post office, community centre and pre-school and a day nursery. A secondary school and convenience store are located slightly further away, some 3km south from the site. The distances to some of the services and facilities are not prohibitive in themselves. However, future occupants would have to use Whitelands Road to access them, which is a relatively narrow road, with some bends. Combined with the lack of street lighting and the lack of a footpath, as well as the busy nature of some of the roads and junctions involved (the A46 and A417), this would result in the future occupants being largely reliant on the private vehicle to access day-to-day services and facilities.
25. Bus stops are located on the A46 Shurdington Road, which are served by bus route 10/N10. However, whilst the appellant states that the services would facilitate commuters and operates daily, I have not been provided with any bus timetables. Therefore, I am not convinced that the bus service would represent a convenient alternative to the car. The appellant argues that the walking route would be similar to many routes in rural areas and that Whitelands Lane to access the bus stop is already used for walking, in part due to it being a relatively quiet road, with modest speeds, with the Automatic Traffic Count (ATC) Data demonstrating speeds under 20mph. Nevertheless, the use of Whitelands Lane, which as stated above has a lack of both street lighting and a footpath, would also make the use of any bus service less attractive to future occupants. This is especially so for the less physically capable, disabled residents and people with children.
26. The appellant alleges that the appeal site would be closer to the services and facilities than in the Colina Farm consent⁷. However, rather than being deemed 'sustainable and acceptable', as the appellant states, the delegated report associated with this permission states 'there would be harm arising by virtue that Little Shurdington contains no service infrastructure and future occupiers would be reliant on the private car for their daily needs for employment, schools, health and recreation and shopping. However, whilst there would be reliance on vehicles, Policy RES4 allows small scale development at rural communities within or adjacent (which this is) to the built-up area which is in line with the NPPF'. The compliance with Policy RES4 is a notable difference to the proposal before me now.
27. Accordingly, I am not persuaded that the proposal would be in a sustainable location, as required by criterion 'c' of Framework paragraph 155. It would not fulfil the requirements of paragraphs 110 and 115 of the Framework.
28. For completeness, the proposed development is not major development, and therefore the requirement of criterion 'd' of Framework paragraph 155 to satisfy the 'Golden Rules' are not applicable to the appeal proposal.
29. Therefore, for the reasons set out above, whilst the proposal would utilise grey belt land, it would fail to comply with all of the criteria set out in paragraph 155 of the

⁷ Application No 22/01256/FUL

Framework. Therefore, the proposal would still be regarded as inappropriate development in the Green Belt.

Conclusion on Inappropriate Development

30. The proposed dwelling would represent inappropriate development in the Green Belt, having regard to the Framework and any relevant development plan policies. It would also harm the openness of the Green Belt and would not be in a sustainable location, having regard to the access to services and facilities. The proposal would be contrary to Policies SD5 and INF1 of the JCS, RES3, RES4 and GRB4 of the Tewkesbury Borough Local Plan 2011-2031 (Local Plan) (2022) and the objectives of the Framework. These policies, in combination, seek to protect the Green Belt and rural settlements from harmful development, recognising that one of the essential characteristics of Green Belts is their openness. Sustainable patterns of development should also be maintained, and safe and accessible connections to the transport network provided to enable travel choice for residents and commuters, designed to encourage maximum potential use.

Suitable Location

31. Despite the appellant stating that the appeal site would be within the village of Little Shurdington, according to the adopted development plan, the appeal site lies outside of any settlement limits and is classed as open countryside. It is not allocated for housing and the proposal would not fall within any of the exceptions set out by the development plan to enable new development in the open countryside. It would not be supported by any other policies.
32. The appellant alleges that the proposal would have ‘as much affinity with policies relating to conversion as it does to “new” development’. However, whilst the new dwelling would replace existing buildings, these would be demolished and replaced. There would be no conversion of any of the existing buildings. Therefore, any conversion policies would not be applicable in these circumstances.
33. Whilst the wording of Policy SP2 of the JCS may not in itself be negatively worded, criteria 6 of Policy SP2 directs proposals in the rural area to Policy SP10 of the JCS, which in itself sets out the circumstances where residential development would be supported. Whilst there is a provision for a windfall allowance, this is only where it would comply with the circumstances set out by the policies. The lack of compliance with the development strategy set out by Policies SP2 and SP10 would result in a new dwelling being situated in an unsuitable location for residential development, rather than directing new houses to sustainable and accessible locations as guided by the JCS.
34. In consideration of the High Court judgement⁸ regarding paragraph 84 of the Framework, as the proposed development would be adjacent to Greenway Farm, the physical location of the proposals would not result in a new isolated home in the countryside that the Framework seeks to avoid. Nevertheless, this does not reduce the weight given to the harm with the development strategy that I have identified.
35. Therefore, by virtue of its location outside of any defined settlement limits, the proposal would not be in a suitable location for housing, having regard to the development strategy for the area. It would conflict with Policies SP2 and SD10 of

⁸ Braintree District Council v Secretary of State for Communities and Local Government & Ors [2017] EWHC 2743 (Admin)

the JCS and Policies RES3 and RES4 of the Local Plan. These policies, in combination seek to distribute new residential development to suitable locations, restricting residential development outside of the defined settlement boundaries, setting out the criteria where new housing at rural settlements would be supported, none of which would apply.

Highway Safety

36. Greenway Farm, Greenway Cottage and Stone Cottage are accessed via a single width private access track, running off the outside bend of Whitelands Lane, which runs northwards out of Little Shurdington. The proposal would also be served by this private access track.
37. Whilst the Council are satisfied that suitable emerging visibility splays can be achieved from the site access itself, they remain concerned that forward visibility in regard to vehicles approaching on Whitelands Lane would not be achieved and that they would have restricted inter-visibility with any vehicles waiting to turn into the shared access. This is partly due to the existing boundary hedge on the inside of the bend opposite the entrance, which would restrict the forward visibility, particularly in the spring/summer.
38. Whitelands Lane is subject to the national speed limit. The appellant's ATC confirms that the actual speeds at the junction are significantly less, with the average speed being 13mph and the 85 percentile speed being 16.3mph. However, I note that the Council have criticised the survey point of the ATC, stating that 'the survey point is incorrect, as it is located on the bend where vehicles are travelling slowest'. The Council allege that they observed speeds 'estimated between 20-25mph', although no data has been supplied, nor have they provided details of the point, or points, at which these speeds were measured. Therefore, there are shortfalls with the data provided by both of the main parties.
39. Nevertheless, it is clear from both sets of data that vehicles travelling along Whitelands Lane would be travelling significantly less than 60mph due to the nature of the road in this location, especially as drivers are approaching a bend. I acknowledge the Manual for Streets sight stopping distances provided by the Council and that it has not been demonstrated that these can be achieved.
40. Paragraph 116 of the Framework is clear and states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe. I accept the proposal would introduce additional car movements, and that the limited width of Whitelands Lane would make it difficult for two vehicles to safely pass in opposite directions. However, the access already serves 3 dwellings and the proposal for 1 dwelling would not increase the opportunity for conflict between road users to such a degree that it would be materially harmful. Therefore, given the low level of new trips generated by the proposal, this would not result in a significant increase for the potential for conflict between road users along Whitelands Lane. Consequently, the residual cumulative impacts on the road network would not be severe.
41. The condition of Whitelands Lane is uneven in places, with muddy ditches close to the carriageway edge. However, these are pre-existing issues, and the additional movements associated with the proposal would not exacerbate any issues to an unacceptable level. There is little technical evidence before me to demonstrate that

additional vehicular movements associated with the proposal would exacerbate any existing highway safety issues.

42. The Council state that 'there have been multiple collisions in the vicinity of the site at the junctions of Whitelands Lane and the A46 as well as slightly north around the A46/Badgeworth Lane/Greenway Lane junction'. However, whilst the Council state that these collisions involved vulnerable road users including cyclists and pedestrians, they have not provided full details of this accident data. Furthermore, these accidents do not relate to the junction in dispute. Accordingly, I am not convinced that the references to earlier collisions elsewhere on Whitelands Lane would sufficiently demonstrate that the forward visibility provided at the appeal site junction would cause unacceptable impact on highway safety.
43. Therefore, for the reasons set out above, the proposal would not harm highway safety and would provide adequate visibility splays in order to ensure a safe and suitable access for all users. It would be in accordance with the relevant criteria of Policy INF1 of the JCS and that of the Framework which requires safe and efficient access to the highway network to be provided for all transport modes. Development proposals will also be permitted where they would not have a severe impact on the operation, safety or accessibility to the local highway network.
44. The reason for refusal also refers to PD 0.1 and 0.4 of the Local Transport Plan. However, this document is not part of the adopted Development Plan. Therefore, any alleged conflict with the Transport Plan is not determinative in these circumstances.

Other Matters

45. The appeal site lies within the Cotswolds Beechwoods Special Area of Conservation (SAC) Zone of Influence. It is subject to statutory protection under the Conservation of Habitats and Species (Amendment) Regulations 2017 (as amended) (the Regulations). Regulation 61 of the Regulations requires the competent authority to make an appropriate assessment of the implications of a particular proposal, alone or in combination with other plans or projects on any likely significant effect on a European Site designated under the Habitats Directive. However, given that I am dismissing the proposal on other matters, I do not need to carry out an appropriate assessment as required under the Regulations and do not need to consider the matter any further.
46. The appellant has drawn my attention to the adoption dates of both the JCS and the Local Plan, with both of these documents pre-dating the current version of the Framework. However, under the terms of the Framework, due weight can still be given to them, according to their degree of consistency with the Framework. Therefore, the amount of weight to be given to development plan policies is a matter of planning judgement for the decision maker.
47. It is considered that the relevant policies of both the JCS and the Local Plan are still broadly consistent with the Framework in terms of promoting a sustainable pattern of development, and restricting dwellings in the countryside and the Green Belt, except for in certain circumstances. They remain part of the development plan. I therefore still afford the relevant policies a significant amount of weight.
48. The appellant has drawn my attention to a number of earlier appeal decisions or planning consents in support of their case. In regard to an earlier permission within

Shurdington⁹, from the details before me, it appears that most of this site was positioned between 2 existing dwellings and therefore fell under the definition of 'infill development'. This is a notable difference to the proposal before me now. In regard to the approval at 'North of Sandy Pluck Lane'¹⁰, whilst I have only been provided with the decision notice, the Council have advised that this is 'in a different location and context on the opposite side of the A46 and located between two dwellings'. Therefore, this also appears to fall under the infill definition.

49. The approval at 'Wind in the Willows'¹¹ consisted of a replacement dwelling so this approval would again not be comparable to the proposal at Greenway Farm. I also note the reference to an approval at Yew Tree Farm, although apart from a photograph of the development, I have been provided with very little on this approval. Therefore, I cannot be persuaded that this approval is alike the proposal before me now. The appellant also briefly refers to an appeal in Dorking¹². However, from the appeal decision this relates to the conversion of former agricultural buildings which is not the same as the new dwelling before me.
50. I have also been provided with other decision notices and appeal decisions, but with little information or context behind them¹³. Nevertheless, the relevant issues before me are open to interpretation and depends on the specific circumstances of each case. Whilst consistency is important, each case must be considered on its own merits and overall, the examples given merely indicate to me that what constitutes not inappropriate development needs to be determined in the light of the specific circumstances and context of each case. Overall, I am not persuaded that they are directly comparable to the proposal before me now.
51. I note that the appeal site is within the Cotswold National Landscape (CNL) and the Council has not refused the proposal on the basis of harm to the CNL. However, the lack of any harm to the CNL would be neutral in the planning balance.
52. Finally, the appellant has questioned the consideration and handling of the application during the application process. Whilst these matters might have been frustrating for the appellant, it does not materially affect my consideration of the planning merits of the appeal proposal.

Other Considerations

53. Paragraph 153 of the Framework states that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. I turn now to address other considerations that, potentially, might clearly outweigh harm arising from inappropriate development in the Green Belt, and the other harm I have identified above, so as to provide the very special circumstances required to justify a grant of planning permission.
54. There would be some social and environmental benefits associated with the provision of the new dwelling, including economic benefits in employment during the construction phase and support for local businesses. I recognise the role of

⁹ Appeal Ref: APP/G1630/W/22/3291784

¹⁰ Application number: 23/00205/FUL

¹¹ Application number: 21/01000/FUL

¹² Appeal Ref: APP/C3620/W/23/3332649

¹³ Including Application number: 23/00964/FUL, appeal reference T/APP/G1630/A/99/1017980/P7, appeal reference Appeal Ref: APP/P5870/W/23/3330511

smaller builders/developers in housing delivery, as well as the role of 'windfall sites' in providing for the supply and delivery of housing. There would also be some biodiversity benefits. Although the Council is unable to demonstrate a five year housing land supply, the appellant suggests that the figure is lower than that presented by the Council. Even taking the appellant's preferred figure for housing land supply, together these benefits carry moderate weight in favour of the development

55. Furthermore, the proposal would be for a self-build dwelling. The appellant would occupy the new dwelling as their home, selling Greenway Farm farmhouse to finance the project. The appellant has prepared a draft S106 obligation to secure the proposal as a self-build dwelling, albeit this has not been signed, as well as suggesting a planning condition to secure the proposal as a self-build.
56. The appellant does not believe that the Council is fulfilling its self-build duty and that the S2A right to build duty is in force. The Council has responded that self-build monitoring work has not yet been completed for 2024, so it does not have any up-to-date figures regarding self-builds. Nevertheless, I recognise that the proposed self-build dwelling would meet the objective of the Framework to support the delivery of sites to meet the needs of groups with specific housing requirements. This includes those people wishing to commission or build their own homes. Therefore, I attach moderate weight to the delivery of a self-build dwelling.

Conclusion

57. I have identified that the scheme would be inappropriate development in the Green Belt as defined by the Framework. The proposal has harmful implications for the Green Belt in terms of inappropriate development and the erosion of openness to which I give substantial weight. The proposal would also not be in a suitable location, having regard to the access to services and facilities and the development strategy for the area.
58. Overall, I give moderate weight to the other considerations cited in support of the proposal outlined above. I therefore find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
59. Regardless of the extent of the housing land supply shortfall, I have found that the location in the Green Belt provides a strong reason for refusing the development proposed, hence paragraph d(ii) of the Framework does not apply. The proposal would conflict with the Framework as a whole and the matters raised above are not sufficient to outweigh that conflict.
60. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

Laura Cuthbert

INSPECTOR