



Appeal Decision

Site visit made on 18 August 2025

by **R J Redford MTCP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 August 2025

Appeal Ref: APP/G1630/W/25/3365265

Bruford, Painswick Road, Brockworth, Gloucester, Gloucestershire GL3 4RP

- 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 Robert Freeman against the decision of Tewkesbury Borough Council.
 - The application Ref is 24/00934/FUL.
 - The development proposed is the erection of single self-build dwelling and other associated works.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Robert Freeman against Tewkesbury Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The appellant has submitted an updated Preliminary Ecological Appraisal (PEA)¹, Flood Risk Assessment and Drainage Strategy (FRADS)², Landscape Strategy Plan³, and supplementary landscape information⁴. They all relate to the reasons for refusal, do not alter the proposed scheme, and interested parties have had opportunity to consider them. As such they have been considered in this decision.
4. Within the reasons for refusal the Council has referred to Policy SP2 of the Gloucester, Cheltenham, and Tewkesbury Joint Core Strategy (JCS), and Policy RES2 of the Tewkesbury Borough Local Plan (LP). Although these have not been submitted, the online version has been reviewed. The Council has also referred to LP Policy SP2, it is considered this is in error and should refer to JCS Policy SP2.

Background and Main Issues

5. The main issues are:
 - whether the appeal site is an appropriate location for the proposal having regard to relevant policies relating to new residential development;
 - the effect of the proposed development on the character and appearance of the area,

¹ By Keystone Ecology and dated March 2025

² By Rappor Consultants Ltd

³ 240489-RAP-XX-XX-DR-L-8010 Revision P02 by Rappor Consultants Ltd

⁴ Landscape Appeal Statement - 240489-RAP-XX-XX-R-L-9502 by Rappor Consultants Ltd and dated April 2025; and planting plan - 240289-RAP-XX-XX-DR-L-4101 Revision P02 by Rappor Consultants Ltd

- the effect of the proposal on ecology with regard to the Cotswold Beechwood Special Area of Conservation;
- the effect of the proposed development on the Cotswold National Landscape; and
- whether the appeal site is an appropriate location for the proposed development with regard to flood risk, specifically in relation to surface water.

Reasons

Location

6. The main parties agree the appeal site is beyond any recognised residential settlement boundary. Thus, for the purposes of this appeal, it is considered within the open countryside or rural area.
7. The proposal is for a detached, 2-storey, 4-bedroom dwelling with gravelled driveway and parking for 3 vehicles. It would be broadly located where there are some existing single storey outbuildings and require the widening of an existing access onto Painswick Road.
8. LP Policy RES2 supports development in settlement boundaries whereas LP Policies RES3 and RES4 deal specifically with new housing outside settlement boundaries. This aligns with JCS Policies SP2 and SD10 insofar as they support development in the rural areas when specific criteria are met.
9. The main parties agree that the proposal would not meet any of these criteria and there is nothing before me to conclude otherwise.
10. The proposal would therefore fail to comply with LP Policies RES2, RES3 and RES4, and JCS Policies SP2 and SD10, as such, the appeal site is not an appropriate location for the proposed development.

Character and appearance

The appeal site is an area of land located between the residential dwelling Bruford and an area of trees which lead up to petrol filling station and the A46 (including Painswick Road), Ermin Road and Cirencester Road roundabout. Opposite the appeal site is a hedged boundary with a residential estate beyond. To the rear of the appeal site is a mature hedge with public open space and fields beyond.

11. Although this part of Painswick Road represents the boundary between open fields and the settlement of Brockworth, it is clear the appeal site, along with the houses to one side and development around the roundabout represent a transitional point within that clear division.
12. The proposed design of the property is not in keeping with the transitional location of the appeal site. It is not sympathetic, in terms of height, architectural detailing and roof form, with the simple rural vernacular of the adjacent dwellings when viewed from the road. The proposal would introduce a design of building comparable to a more suburban setting and so would fail to preserve the transitional character and appearance of the area.
13. Although a reasonable landscape scheme has been put forward, this would not mitigate this harm the physical form of the proposed dwelling would have.

14. The proposal would therefore harm the character and appearance of the area. It would fail to comply with JCS Policies SD4 and SD10 and LP Policy RES5, insofar as they seek good design which respects the character and appearance of the site and its context.

Ecology

15. The appeal site falls within the zone of influence of the Cotswold Beechwoods Special Area of Conservation (SAC). Regulation 63 of the Conservation of Habitats and Species Regulations 2017 require an appropriate assessment to ensure that the development would not adversely affect the integrity of the SAC.
16. The SAC qualifies for such protection as it consists of ancient beech woodlands and supporting habitats which are important for rare flora and fauna. The additional accommodation the proposal would create, whilst minimal on its own, would contribute to an increased population in combination with other plans, projects, and developments in the area. Due to the proximity of the development to the SAC, it is likely that its contribution to the increase in population could lead to an increase in visitor and recreational pressure within the SAC. Given the susceptibility and vulnerability of the qualifying features of the SAC to such a use and the ongoing pressure new development is creating, it cannot be concluded that the proposal would not adversely affect the integrity of the SAC in combination with other projects.
17. However, the Council has adopted a mitigation strategy for the SAC which requires financial contributions towards the relevant strategies to be secured by obligation. The appellant agrees with this but there is nothing before me securing such a contribution. Therefore, it cannot be concluded that the proposal would not have a harmful effect on the SAC.
18. It is, however, noted that the Council's Ecologist is content that the mitigation and enhancements set out in the PEA would ensure the proposal would not harm the ecology and any protected species that maybe on or using the appeal site. There is nothing before me to conclude otherwise.
19. However, although the PEA enhancements would constitute a benefit this does not overcome the harmful effect the proposal could have on the SAC. Therefore, the proposal would fail to comply with LP Policy NAT1 and JCS Policy SD9 as far as they seek to protect European and internationally designated habitat sites.

Cotswold National Landscape (NL)

20. National landscapes are designated for the purposes of conserving and enhancing natural beauty and Section 245 (Protected Landscapes) of the Levelling-up and Regeneration Act 2023 places a duty upon me to further these purposes in this decision.
21. The appeal site is part of the NL defined as settled unwooded vale and its undulating landform leading up to the Cotswold Escarpment provides the underlying character of the area.
22. The location of the proposed new dwelling would be in line with the other properties along this part of Painswick Road and the level of development proposed would retain the separation of the short row of houses from the more suburban surroundings of the roundabout and beyond. A dwelling in this location would be

visible from the public area and footpaths behind but would be partially screened and seen against a backdrop of the houses on the opposite side of the road. As such it would not impact any existing open views through this part of the NL. Therefore, on a landscape scale the proposal would preserve the natural beauty of the NL.

23. The Inspector's conclusions in appeal APP/G1630/W/22/3306076, are noted. However, in that appeal the scheme was for 3 houses and so is not comparable to that which is before me in relation to the impact on the NL.
24. Consequently, the proposal would not harm the NL and so comply with JCS Policies SD4, SD6 and SD7, as far as they seek to conserve the NL and protect landscape character, as well as align with the Cotswold AONB Management Plan.

Flood risk

25. Although the main parties agree the appeal site falls within Flood Zone 1, the Council's drainage consultant has identified that areas of the site are at risk of surface water flooding.
26. The FRADS submitted shows that the proposed hardstanding and new dwelling would be comfortably beyond the areas of the site which may be impacted by surface water flood risk. However, an increase of development on the site could have an impact on surface water flood risk elsewhere, and so any drainage strategy must take this into consideration.
27. The appellant concedes that a full suite of BRE 365 compliant tests has not been undertaken. Nevertheless, the information submitted is comprehensive so on the balance of probabilities, it is found in this instance a proportionate and appropriately designed sustainable drainage system (SuDS) could be achieved within the appeal site and could be secured by condition.
28. Consequently, the proposal could be located on the appeal site without causing harm in relation to surface water flood risk. It therefore could comply with JCS Policy INF2 and LP Policy ENV2 insofar as they seek new development contribute to the reduction of existing flood risk and incorporate appropriate SuDS.

Other Matters

29. The appellant has confirmed the proposal to be a self-build / custom build development so should be exempt from the Biodiversity Net Gain Regulations requirements. However, in order to qualify for this exemption, it would be necessary to secure the self-build / custom build nature of the development by obligation. Nevertheless, even if such an obligation were secured, as it would exempt the proposal from providing any biodiversity net gain, it would be a neutral matter neither weighing for or against the proposal.
30. The age of the JCS is noted, however unlike the appeal⁵ the appellant has drawn my attention to, the development plan relevant to this case also includes the LP which was recently adopted in 2022. That there is a large-scale housing allocation in North Brockworth is also noted, but this is separated from the appeal site by Brockworth itself and so is not comparable.

⁵ APP/B1605/W/21/3273053

31. It is regrettable that the Council did not issue its decision for a protracted length of time, but this does not impact the planning merits of the scheme before me. Nor does the erection of a fence on the site, which is not part of the proposal.

Planning Balance

32. The Council cannot demonstrate a 5-year housing land supply and have confirmed its only 3.14 years. As such it is necessary to apply Paragraph 11 of the National Planning Policy Framework (the Framework). Although the appeal site is within the NL and there is potential flood risk, due to the reasoning set out in the 4th and 5th main issues, I have concluded, in this case, that there are no policies in the Framework that protect areas or assets of particular importance that provide a clear reason for refusing the proposed development and therefore 11 d) ii), is engaged.
33. The proposal would provide 1 dwelling reasonably quickly so contribute to the Council's housing deficit. It would be located near to facilities and services and create a self-build dwelling of which there is a need. These benefits would attract moderate weight.
34. The economic benefits relating to construction, the social benefits from creating a family home, and the ecological benefits identified in the 3rd main issue would attract limited weight due to the small scale of the development.
35. No harm has been identified in relation to highway safety, living conditions, environmental health matters, the nearby public right of way, archaeology, the NL, and flooding. However, by definition, a lack of harm cannot weigh for or against the proposal.
36. Harm has been found in relation to the location of the appeal site, but this is restricted to spatial policies. Therefore, due to the accessible nature of the site, conflict with these policies is attributed limited weight, which is comparable to the Inspector within the previous appeal⁶.
37. However, housing provision should not come at the cost of good design or harm to the SAC, an irreplaceable habitat and this is a position supported by the Framework. Therefore, this harm attracts significant weight and so the adverse impacts of the proposal would outweigh the benefits.

Conclusion

38. For the reasons given above the appeal scheme would conflict with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, which would indicate a decision otherwise. The appeal is, therefore, dismissed.

RJ Redford

INSPECTOR

⁶ APP/G1630/W/22/3306076