



Appeal Decision

Site visit made on 10 September 2025

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2025

Appeal Ref: APP/G1630/W/25/3367746

**The Brambles, Leckhampton Hill, Leckhampton, Cheltenham,
Gloucestershire GL53 9QJ**

- 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 Tim Herbert against the decision of Tewkesbury Borough Council.
 - The application Ref is 24/00771/FUL.
 - The development proposed is replacement dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) the effect of the development on the character and appearance of the area, (ii) whether the proposal would conserve or enhance the natural, scenic and landscape beauty of the Cotswolds National Landscape (formerly known as Cotswolds Area of Outstanding Natural Beauty and hereafter referred to as the NL), and (iii) whether the proposal would represent inappropriate development in the Green Belt.

Reasons

Effect on character and appearance of the area.

3. The appeal property is a residential bungalow in a row of dwellings that run along one side of Leckhampton Hill. The houses are surrounded by fields and wooded areas. The dwellings vary in size and appearance with a mix of single and 2 storey properties. However, it is apparent when walking along the roadside pavement that all of the houses, including The Brambles, have pitched roofs and are of typical 20th century design. The properties are set back from the highway and most are screened to a degree by front boundary vegetation. Also, the ground floors of the dwellings are below road level as they are on a side of a steep hill. Nonetheless, the ribbon of development is seen from the highway, particularly through access gaps. As such, the houses influence the character and appearance of the area.
4. The proposed dwelling would be partly 2 storeys high and partly single storey. It would have flat roofs across the whole of the building and so in these respects it would be unlike any of the dwellings facing onto Leckhampton Hill. As such, its roof form and block-like appearance would stand out as being unusual amongst a row of pitched roof properties. The appellant claims the flat roof of the proposed house would minimise its bulk. Even so, the modern form and style of the development

would be unsympathetic to the prevailing traditional character and appearance of nearby properties.

5. I am advised a new dwelling of a contemporary design and with a flat roof has recently been constructed on nearby land to the rear of residences that face onto the road. On my visit, I was unable to see this property clearly from the appeal site due to the screening effect of intervening trees. In any event, it is clear this newly constructed dwelling and the appeal development would not be viewed together from the highway. Therefore, the presence of the recently constructed house does not address the starkly incongruous style of the proposed development when seen alongside the houses facing the road. Also, dwellings of a contemporary design constructed at Greenway Lane or elsewhere within the wider area do not justify adopting a similar design approach for a replacement dwelling on the appeal site.
6. The proposed house would be slightly taller than the existing bungalow, although its overall footprint size would be similar. Moreover, 2 storey high dwellings already exist within the row off Leckhampton Hill. Given this context, the scale of the proposed dwelling would be appropriate to the site and the locality. However, acceptability in these regards does not address nor overcome the unsympathetic modern form and style of the proposal.
7. I am referred to no policy or guidance adopted by the Council that advocates a particular architectural style over another. The National Planning Policy Framework (the Framework) at sub-paragraph 135(c) promotes appropriate innovation or change. However, this is subject to development being sympathetic to local character including the surrounding built environment. In these regards, the development plan policies referred to in the Council's refusal reasons are consistent with the Framework.
8. For the above reasons, I conclude the development would not respond positively to the predominant style of nearby buildings or integrate appropriately to its built surroundings. As such, it would be harmful to the character and appearance of the area. In these regards, it would not accord with policies SD4 and SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017 (JCS) and policies RES5 and RES9 of the Tewkesbury Borough Plan Adoption Version 2011-2031 (TBP). Amongst other things, these policies seek to ensure development is of a high quality design that is compatible with the character of the local environment. JCS policy SD6 is referred to in the relevant refusal reason on the Council's decision notice but this includes no provisions relevant to this specific matter.

Effect on the NL.

9. Section 245 of the Levelling-up and Regeneration Act 2023 includes a requirement to seek to further the statutory purpose of conserving and enhancing the natural beauty of National Landscapes. The appeal site lies within the NL and so I have had regard to this duty in my assessment of the appeal.
10. Whilst within a line of development, The Brambles lies on a hillside where open fields, trees and hedgerows provide an attractive rural landscape. The ground floor of the bungalow is set a significant height above most of the back garden, which slopes steeply down towards fields beyond the rear of the site. There are views from the windows and terraces to the back of the property of the lower slopes of the hillside as well as the wider countryside beyond. However, I am referred to no particular vantage point from where the back of the appeal property and the

neighbouring dwellings are appreciated. It seems any such views are from private land. From where it is visible, I would envisage the appeal property is seen as part of a line of houses amongst garden vegetation and with a backdrop of woods and open countryside on rising land on the other side of Leckhampton Hill.

11. The proposed house would be only slightly taller than the ridge height of the existing bungalow and it would be of a similar width. As such, I envisage the proposal would make no discernible difference in the effect of buildings on views from the wider countryside. Furthermore, the development would be seen within the context of a ribbon of houses of varying heights. Therefore, it would avoid any harm to the qualities of the NL by reason of its scale.
12. Internal lighting would be visible at night time from the surrounding countryside through large rear windows in the proposed house. However, the rear elevation of the existing bungalow includes window areas and so I am unconvinced that lighting from the proposed dwelling would be more visually intrusive compared to the existing situation. Also, lighting associated with the development would not stand out given the site's position amongst a line of existing dwellings. Therefore, it would not detract from dark night skies.
13. The existing bungalow already prevents views across the site from the road to the wider countryside. The proposed house would cause a similar visual obstruction and so appreciation of the scenic attractiveness of the NL from public vantage points would remain unaltered. Also, there would be scope for additional planting to be provided on the site as part of the development. This could be secured through the imposition of a planning condition. Accordingly, the replacement of the existing dwelling with the proposed development would not lead to any meaningful urbanising effect as suggested by the Council.
14. For these reasons, I conclude the development would conserve the natural, scenic and landscape beauty of the NL. In these regards, it would accord with JCS policies SD6 and SD7. These seek to ensure development protects landscape beauty and the qualities of the NL. I also find no conflict with the Cotswold National Landscape Management Plan 2025-2030.

Green Belt.

15. The site lies in designated Green Belt. JCS policy SD5 states development within Green Belt boundaries will be restricted to those types that are deemed appropriate by the Framework, unless very special circumstances exist. Paragraph 154 of the Framework states development in the Green Belt is inappropriate unless it complies with any of the exceptions as listed.
16. Provided it does not cause substantial harm to the openness of the Green Belt, the redevelopment of previously developed land is defined as not inappropriate development under sub-paragraph 154(g) of the Framework. The proposal would represent the redevelopment of the site. The plot is occupied by a permanent structure and associated surface infrastructure. It includes residential garden but the appeal property lies in a short ribbon of development within the countryside rather than within a built up area. As such, I find the appeal site complies with the definition of previously developed land as set out in the Framework. It therefore follows the proposal would not be inappropriate development in the Green Belt if it avoids substantial harm to openness.

17. The proposed house would be slightly taller than the existing bungalow. Also, it would have a significantly larger internal floorspace as accommodation would be provided over 2 levels whereas the existing house is single storey. Moreover, the proposed dwelling would have vertical walls rather than a pitched roof and so it would have a greater volume compared to the bungalow. In these regards, the proposal would reduce the spatial and visual openness of the site.
18. However, the development would have a similar footprint and site coverage compared to the current building. Therefore, it would have a similar effect to the bungalow as to the visual openness of the site when seen from the road. Consequently, the proposal would have only a minor detrimental effect on the openness of the Green Belt. Substantial harm would be avoided and so the proposal would accord with sub-paragraph 154(g) of the Framework.
19. For these reasons, I conclude the proposal would not be inappropriate development in the Green Belt. In these respects, it would comply with JCS policy SD5. As such, there is no need to consider the appellant's contentions that the proposal would also comply with the exception at sub-paragraph 154(d) of the Framework. It also follows that there is no requirement for very special circumstances to be demonstrated.

Other Matters

20. The application form states the proposal would be a self-build house as the current homeowner would reside in the dwelling. However, there is no legal undertaking or agreement that would restrict the occupation of the development if allowed and delivered. In any event, the proposal would not result in any additional self-build housing plot that would help address any wider need for such land. Therefore, this factor attracts very limited weight in my overall assessment.
21. The proposal would generate construction employment. This would be a minor benefit given the scale of the development.

Conclusion

22. The proposal would be acceptable when assessed against the second and third main issues. However, the harm identified in respect of the first main issue means it would not accord with the JCS and the TBP policies when read as a whole. There is no justification to grant planning permission contrary to the development plan. As such, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR