



Appeal Decision

Site visit made on 16 September 2025

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th October 2025

Appeal Ref: APP/G1630/W/25/3368623

Pussy Willows Cattery, Stoke Road, Stoke Orchard, Cheltenham GL52 7RY

- 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 Spawton on behalf of Pussy Willows Ltd against the decision of Tewkesbury Borough Council.
 - The application Ref is 24/00850/PIP.
 - The development proposed is permission in principle application for the erection of 1no. to 9no. dwellings on previously developed land.
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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 two 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 two stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development. 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.
4. An applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum net number of dwellings as part of the application. In this instance, permission in principle has been sought for a minimum of one and a maximum of nine dwellings.
5. As part of the appeal documents the appellants have submitted an Odour Assessment (Rappor, dated June 2025). Although this is new information that was not before the Council when it made its decision it does not fundamentally alter the proposal. Furthermore, the Council and the Environment Agency has had an opportunity to comment on the information and no party would be prejudiced were I to take this information into account in making my decision.

Main Issues

6. The main issues are:

- whether the proposal would be inappropriate development in the Green Belt having regard to any relevant development plan policies and the National Planning Policy Framework, including the effect on openness;
- whether the site is suitable for residential development, having regard to its location and the accessibility of services and facilities;
- whether the site is suitable for residential development, having regard to its location, the proposed land use, and the amount of development, with particular regard to the effect on the living conditions of the future occupants of the development; and
- if the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

7. The appeal site comprises two parcels of land, one which is an existing cattery business with a reception building and a number of timber cattery structures. The rear part of the site is made up of single storey buildings which, at the time of my visit, were in use for a variety of business uses. There are also two detached dwellings on land owned by the appellants. However, these do not form part of the appeal site.
8. The site is not physically well-related to any settlement identified in either the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (the JCS) or the Tewksbury Borough Plan 2011-2031 (the BP). It is a stand-alone development away from any settlement or built-up area and appears as a commercial site in the rural area, even if there are houses associated with the site. For planning purposes, it is within the open countryside. It also lies within the Green Belt.
9. Policy SP2 of the JCS sets the policy for the distribution of new development. For sites in rural areas, it defers to Policy SD10 of the JCS which promotes new housing on allocated sites and on sites within the identified settlements. Although the supporting text advises that the policy approach directs residential development to previously developed land it also requires development to be in sustainable and accessible locations. I will return to this matter. Subsection four of Policy SD10 provides four exceptions to the general constraint against new housing outside of settlements. Part iv) allows for other exceptions/circumstances defined in the district or neighbourhood.
10. Policy RES3 of the BP seeks to resist new housing outside the settlements. Policy RES4 of the BP supports very small-scale residential development within and adjacent to settlements in rural areas, which the appeal site would not comply with. However, Policy RES4 also provides an exception for development that complies

with the Green Belt exceptions listed in the National Planning Policy Framework (the Framework).

11. This is also reflected in Policy SD5 of the JCS and Policy GRB4 of the BP which are consistent with the advice in the Framework regarding the forms of development that are not inappropriate in the Green Belt, including redevelopment of previously developed land.
12. Paragraph 154 of the Framework sets out the categories of development which may be regarded as not inappropriate, subject to certain criteria. New buildings within the Green Belt are inappropriate unless, amongst other things, they represent partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would not cause substantial harm to the openness of the Green Belt.
13. Policy GRB4 of the BP requires proposals on previously developed land to preserve the openness of the Green Belt. This is more onerous than the latest version of the Framework which seeks to ensure that such development would not cause substantial harm to openness. The Framework requires due weight be given to existing development policies according to their degree of consistency with the Framework. Policy GRB4 of the BP is not consistent with the Framework as it imposes a more stringent test. Therefore, the weight to be afforded to GRB4 is diminished.
14. The proposal would constitute redevelopment of previously developed land. The site comprises a number of buildings, structures and associated hard surfaced areas which cover most of the appeal site. It does not currently contribute positively to the openness of the Green Belt. Even with a scheme of nine dwellings the likelihood would be that there would be a reduction in structures and hard surfacing. This would have a positive effect on the spatial aspect of the openness.
15. If the proposed houses were constructed taller than the existing buildings the proposal would have the potential to have a greater visual impact on the openness than the existing buildings. However, the appellants have also suggested that the scheme could be single storey. This would be a matter for the technical details stage and the Council would have sufficient control over determining the visual effect at that time.
16. The appeal proposal, albeit with limited detail, would not cause substantial harm to the openness of the Green Belt, which is the test in the second part of paragraph 154(g) of the Framework. The appeal proposal would, therefore, not be inappropriate development in the Green Belt having regard to the relevant development plan policies and the Framework, including the effect on openness. It would not conflict with Policies SP2, SD5 and SD10 of the JCS which, collectively, seek to steer new development to settlements but provide exceptions for development within the Green Belt.
17. For the same reasons, although there would be conflict with Policy RES3 of the BP the proposal would comply with Policies RES4 and GRB4 of the BP which, taken together, provide an exception for redevelopment of previously developed land in the Green Belt.

18. Since I have concluded the proposal would not be inappropriate development, it is not necessary to apply the grey belt tests at Framework paragraph 155 nor have regard to considerations relevant to the application of very special circumstances.

Accessibility of services and facilities

19. Policy INF1 of the JCS seeks to ensure that all developments provide safe and accessible connections to the transport network to enable travel choice, and ensure that connections are provided to walking, cycling and passenger transport networks, to encourage maximum potential use.
20. Paragraphs 110 and 115 of the Framework seek to promote development in locations which are or can be made sustainable and offer a genuine choice of transport modes. Paragraph 110 recognises the solutions vary between urban and rural areas and is mainly focused on significant developments. Nevertheless, the presumption in favour of sustainable development in the Framework and the policies in the development plan are predicated on directing development to sustainable locations.
21. Stoke Orchard is the nearest settlement to the site. It is defined as a 'service village' and has services and facilities to support additional housing. Nevertheless, the appeal site lies outside of Stoke Orchard. It is not connected to the settlement by footpaths along the road and although there are grass verges these are narrow and have deep ditches between the verge and the hedges. The appeal site would not be within safe and easy walking distance of the settlement. I also do not have sufficient evidence that the village would be accessible by bus even though the appellants contend that there is a bus which would stop if requested.
22. Although the site would be within cycling distance of Stoke Orchard, and I saw the cycle signs referred to by the appellants, it is unlikely that the future occupants of the site would cycle to the village as there are limited services and facilities available. Whether the cycle route is suitable or needs improvement, as suggested by the Council, would not alter my view on the use of cycles for access to day to day services and facilities.
23. Bishops Cleeve is the next nearest settlement and is a 'rural service centre.' However, even the leisure and entertainment facilities on the edge of Bishops Cleeve would not be within walking distance and I have insufficient evidence of the availability of public transport services from the appeal site. As with Stoke Orchard it would be possible to cycle to Bishops Cleeve. However, in my judgement the future occupants of the development would be unlikely to cycle for shopping or education trips. Inclement weather and darkness would also deter residents from opting for cycling as a mode of transport.
24. The farm shop on the opposite side of the road from the appeal site would provide access for top-up shopping for the future occupants of the proposal. It would, therefore, provide access to a facility. However, it is limited in what it provides and the future occupants of the development would still be highly reliant on private cars for access to employment, education and other services and facilities, including main shopping trips.
25. Even though the proposal would not result in significant development, is near to other housing, and constitutes redevelopment of previously developed land, it should still be located where it would enhance or maintain the vitality of rural

communities and should be focused on offering a genuine choice of transport modes, to comply with the Framework. Considering the rural area and the limited opportunities for sustainable transport modes, the proposal would rely heavily on the private car, or home deliveries. As such the scheme would not promote sustainable modes of transport or contribute towards reducing carbon emissions, even with the installation of electric vehicle charging points and cycle storage. Therefore, it would not support the sustainability of the rural area.

26. For the above reasons, the appeal site would not be suitable for residential development, having regard to its location and the accessibility of services and facilities and would be contrary to the requirements of Policy INF1 of the JCS.
27. Similarly, there would be conflict with the Framework where it requires sustainable transport modes to be prioritised and that services and facilities are accessible.

Effect on living conditions

28. The appeal site lies close to several waste facilities, including the local household recycling centre. Even though the consent for those uses is time limited I have no reason to believe that the consents would not be extended and that the waste facilities would not continue to operate into the foreseeable future.
29. The waste facilities would cause odour and noise which both have the potential to adversely affect the living conditions of the future occupants of the development. No additional information has been submitted to assess the effect of noise. As a permission in principle, it is not possible for me to attach conditions to require the submission of this information. Furthermore, without such information at this stage I cannot be certain that the proposed land use, or the amount of development, is acceptable in principle and would ensure that the living conditions of the future occupants would not be adversely affected.
30. The odour assessment submitted with the appeal did not detect any unpleasant odours, associated with the waste facilities, within the site and minimal unpleasant odours in the wider area. It also noted that there was no odour complaints recorded in the last five years. The information provided indicates that the level of odour would not result in unacceptable harm to the living conditions of the future occupants of the proposed development and I have no evidence to the contrary.
31. For the above reasons, even though the Odour Assessment has provided sufficient evidence to indicate that the future occupants would not be adversely affected by odour, I do not have compelling evidence that the living conditions of the future occupants of the development would not be adversely affected by noise from the nearby waste facilities.
32. I, therefore, cannot be certain that the site is suitable for the permission in principle, having regard to its location, the proposed land use, and the amount of development, with particular regard to the effect on the living conditions of the future occupants. The development would, therefore, fail to comply with Policy SD14 of the JCS which seeks to improve environmental quality, not create conditions that could impact on human health, and ensure no exposure to unacceptable risk from existing sources of pollution.

Other considerations

33. The appellants have drawn my attention to a housing development under construction on the edge of Stoke Orchard. I do not have the full details of that proposal or why the Council approved it. Nevertheless, that development is on the edge of the identified settlement which, even if it has limited services and facilities, is recognised in the development plan as an area suitable for new housing. It is, therefore, materially different to the appeal before me.
34. Policies RES6 and RES7 of the BP have also been referred to by the appellants. The latter of these policies relates to the conversion of existing buildings and would, therefore, not apply to the appeal proposal. Policy RES6 relates to rural exception sites, for the provision of affordable housing. The appeal is not proposed as an exception site. Furthermore, Policy RES6 supports exception sites within, or on the edge of, a settlement which the appeal site is not. Neither Policy RES6 nor RES7 are relevant to the appeal before me and neither do they provide any support for general open market housing developments in the countryside.
35. Within their final comments the appellants have also sought to provide details of vehicle movements associated with the existing cattery and other business uses on the site. Even if I accept that there are a number of commercial uses, I do not have the full details of each of the businesses or compelling evidence that the vehicle movements suggested in final comments are correct. The removal of the existing business uses would result in a change in vehicle types, sizes and the removal of the vehicles stored on the site. However, the development of up to nine houses would also result in medium to large vehicle movements from deliveries, alongside the residential movements of the future occupants. I cannot be certain that there would be a substantial reduction in vehicle movements and I, therefore, only give this matter moderate weight.

Other Matters

36. The proposal is for permission in principle for between one and nine dwellings. The benefit of one dwelling would be very limited. The benefits of nine dwellings to the local economy and the housing land supply would be greater but would still be limited. Moreover, I have no compelling evidence that the economic benefits of the housing have been weighed against the loss of the economic benefits of the existing businesses and employment uses on site.
37. That the site is not near to any heritage assets, and that matters of ecology, drainage, landscaping, and highway safety could be secured at the technical details stage are neutral matters and weigh neither in favour nor against the scheme.

Planning Balance

38. The proposal would conflict with certain aspects of the development plan and therefore there would be conflict with the development plan as a whole. However, both parties agree that the Council is unable to demonstrate a five year housing land supply with the quoted supply being 3.14 years, which is a reasonably substantial shortfall. Paragraph 11d) of the Framework therefore applies.
39. The appeal site is not in a location that is accessible to services and facilities without reliance on the private car. There are very limited opportunities for

sustainable transport options, even with the provision of cycle storage and electric charging points. The development would, in this regard, conflict with the development plan and the Framework and I give this conflict substantial weight.

40. I also have insufficient evidence that the living conditions of the future occupants of the proposed development would not be adversely affected by reason of noise. I have given this matter moderate weight.
41. The proposal would deliver between one and nine additional housing units in a district that is falling short of the level of housing supply required by national policy. Even one new dwelling would make a minor but useful contribution. Nine new dwellings would make a greater, yet still small, contribution to the housing supply. Furthermore, the development would make efficient use of previously developed land, in line with the provisions of the Framework. As such, the benefits of the proposal are moderate.
42. For the reasons given above, when assessed against the policies in the Framework as a whole, the adverse effects of the location and land use of the development proposed would significantly and demonstrably outweigh the benefits.

Conclusion

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

K Townsend

INSPECTOR