



Appeal Decision

Inquiry Held on 6 - 9 July 2021

Site visit made on 23 July 2021

by H Porter BA(Hons) MSc Dip IHBC

an Inspector appointed by the Secretary of State

Decision date: 21st September 2021

Appeal Ref: APP/G1630/W/20/3259637

Land Parcel 0088, Willow Bank Road, Alderton

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by CALA Homes (Midlands) Ltd against the decision of Tewkesbury Borough Council.
 - The application Ref 19/00772/FUL, dated 26 July 2019, was refused by notice dated 17 March 2020.
 - The development proposed is residential development of 28 units, including means of access and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the residential development of 28 units, including means of access and landscaping at Land Parcel 0088, Willow Bank Road, Alderton in accordance with the terms of the application Ref 19/00772/FUL, dated 26 July 2019, and the conditions in the schedule at Annex 1 to this decision.

Preliminary and procedural matters

2. I have slightly amended the description of development in the banner heading above, replacing 'up to' with 'of' before the number of units, as full planning permission is sought.
3. Alderton Parish Council sought, and was granted, Rule 6 status under the Inquiry Procedure Rules. Separate Statements of Common Ground dealing with matters of planning, housing and landscape were signed and agreed between the Appellant and Council before the Inquiry opened. The Inquiry sat for four days. A list of documents submitted during the Inquiry is at Annex 2 to this decision; those referred to in this decision are as they appear in that list and referenced ID1, ID2 etc. I undertook an unaccompanied site visit after the Inquiry closed, viewing the site and general area, including suggested routes and vantages.
4. A certified copy of a Unilateral Undertaking (UU), dated 7 July 2021, has been provided, which secures the provision of libraries contributions to Gloucestershire County Council. A signed S106 Agreement, dated 22 January 2021, made between the Appellant and Tewkesbury Borough Council, contains obligations pursuant to affordable housing and financial contributions towards off-site play facilities, refuse and recycling, and monitoring fees. I have taken these legal agreements into account in my decision.

5. Government issued a revised National Planning Policy Framework on 20 July 2021 (the revised Framework). The parties' views were sought on the relevance and any implications the revised Framework had on their respective cases and I have taken this into consideration in this appeal.

Main Issues

6. The Council had given seven reasons for refusing planning permission in its decision notice. Subsequently, the County Council confirmed that financial contributions towards education are no longer being sought; and the Highways Authority retracted a previous objection relating to the site's locational sustainability and access. Considering these changed positions, and the submission of legal agreements to secure certain obligations and financial contributions, the Council confirmed that it would not be pursuing reasons for refusal 5, 6 and 7.
7. With all this in mind, I consider the Main Issues in this appeal to be:
 - whether the appeal site offers an appropriate location for housing, having regard to the development plan and its strategy for the distribution of new development;
 - the effect of the proposed development on the local landscape character;
 - the effect of the proposed development on the social well-being and community cohesion of Alderton; and,
 - the proposal's effect on mixed and balanced communities.

Reasons

Location and principle of the development

8. The development plan comprises the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031, adopted December 2017 (the JCS); saved policies from the Tewkesbury Borough Local Plan to 2011, adopted March 2006 (LP); and, the Alderton Neighbourhood Plan, made July 2018 (the ANP). The emerging Tewkesbury Borough Plan 2011 to 2031 (TBP) has been submitted for examination and an Inspector's Post-Hearings Main Modifications letter issued in June 2021¹. While it is not yet part of the development plan, the TBP carries moderate weight owing to the stage of its preparation. A review of the JCS is planned, for which an 'issues and options' consultation closed in early 2019 and a draft plan is being prepared. Given the very early stage of the revised JCS, it currently carries no weight.
9. Policy SP2 sets out the strategy and identifies the distribution of new development across the JCS area. For the purposes of the JCS settlement hierarchy, Alderton is classified as a 'Service Village'², where lower levels of development will be allocated through the TBP and neighbourhood plans. Amongst other things, Policy SP2 identifies that the Services Villages will require to accommodate in the order of 880 new homes, to be allocated through the Tewkesbury Borough Plan and Neighbourhood Plans³.
10. In the remainder of the rural area, Policy SD10 sets the approach to appropriate locations for residential development, to assist in delivering the scale and distribution of development. This policy establishes that housing

¹ CS E29

² JCS Table SP2c

³ SP2.5ii

development will be permitted at sites allocated for housing through the development plan, including neighbourhood plans. On sites that are not allocated, windfall development on previously developed land in services villages is supported in principle.

11. Within the settlement boundary of Alderton village⁴, Policy H1 of the ANP supports small windfall development, together with infill housing of up to two dwellings. Policy H1 also caveats if in the event that a future development plan identifies an additional need for further housing in Alderton, sites outside the settlement boundary will be considered in line with other policies of the plan.
12. The appeal site comprises a 2.2 hectare green field situated on the southern outskirts of Alderton. The site has not been allocated for housing through the development plan, nor is it identified within the ANP or the emerging TBP for housing. Rather, the appeal site is outside the settlement boundary of Alderton village for the purposes of the ANP H1 and is located in the open countryside. Not being rural exception site for the purposes of ANP Policy H2, nor satisfying any of the other exceptions that might otherwise permit housing on the site⁵, as a matter of planning policy principle, the appeal site does not offer an appropriate location for the proposed development.
13. Alderton is a rural village that includes, amongst other things, a primary school, public house, village store and post office, church, recreational provision, and a bus service to Cheltenham. The appeal site is situated where future residents of the appeal scheme would be able to access easily, and safely, what local services and community facilities Alderton offers by foot or by bicycle.
14. In all reasonable likelihood, the majority of journeys from the proposed development to access employment, secondary schools, medical care, shopping and public transport will be done by private car and involve turning out of the village. Yet, I am mindful that the revised Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making⁶.
15. I do not wish to speculate on the reasons why the Highway Authority withdrew its previous objection to locational sustainability of the proposal but the Parish Council has maintained an objection. However, I heard and read evidence that convinces me there would be no severe impacts on highway safety or effect on the wider highway network in terms of demonstrably increasing congestion. The location of the appeal site would provide some choice of access to services and facilities by sustainable modes, even if that choice might not be extensive and involve limitations. I conclude that the proposed development would ensure safe and suitable access to services and facilities by transport modes other than private car.
16. Nonetheless, in view of its location relative to the existing settlement boundary, the scheme runs contrary to the development plan and its strategy for the distribution of new development set out under Policies SP2 and SD10 of the JCS and Policy H1 of the ANP.

⁴ Alderton settlement boundary shown at ANP Map 4 Alderton NDP Policies Map p. 29

⁵ Policy SD10 4 i – iv permit affordable housing on a rural exception site; infilling within the existing built-up areas of villages; development brought forward through Community Right to Build Orders; other specific exceptions/circumstances defined in district or neighbourhood plans

⁶ Framework para 105

17. However, it is not a matter in dispute that the Council cannot demonstrate a 5-year supply of deliverable housing sites. Irrespective of the precise extent of the undersupply, it is also not in contention that the policies that are most important for determining this appeal, including those listed above, are rendered out-of-date. Paragraph 11(d) of the revised Framework and the 'tilted balance' is thus engaged, which forms part of the overall planning balance that I address later in my decision.

Landscape

18. The Cotswolds Area of Outstanding Natural Beauty (AONB) covers the steeply rising landscape to the north and south of the village. The appeal site is outside of the AONB but within the locally designated Special Landscape Area (SLA), which is of local significance⁷. The SLA plays a role in protecting the setting of the AONB wherein Alderton is a settlement feature in the rural vale landscape with the backdrop of the AONB hills to the north and south. The Council's Landscape Study (LVSS) identifies the sense of separation between Alderton and the B4077 as a characteristic and one vulnerable to insensitive development; also, a sensitivity to development that does not respect the generally clustered settlement form or that might appear conspicuous and prominent in the vale⁸.
19. Policy LND2 of the LP requires special attention be accorded to the protection and enhancement of the landscape character of the SLA. JCS Policy SD6, amongst other things, seeks to ensure development proposals protect or enhance landscape character and avoid detrimental effects on features that make a significant contribution to the character, history and setting of a settlement or area. Policy LE2 of the ANP seeks to ensure new development of all kinds minimises environmental harm, including through tree and hedgerow planting to replace such features lost through development. Emerging Policy LAN1 of the TBP seeks to ensure proposals would not cause harm to features of the landscape character which are of significance; maintains the quality of the natural environment; and seeks reasonable opportunities for the enhancement of landscape character.
20. The appeal site occupies a portion of Land Parcel Ald-01 and its characteristics align with the LVSS general character summary insofar as it identifies pasture enclosed by mature hedges, with the openness between the settlement edge and the small stream an important characteristic. The openness between the settlement edge and the watercourse is identified as an important characteristic of Ald-01.
21. Situated on the east side of Willow Bank Road, the appeal site comprises gently sloping pasture that falls away from the settlement edge at Fletchers Close towards a watercourse marking the site's southern boundary. The site is defined by mature boundaries to the east and west, beyond which lies bucolic rolling countryside. The appeal site forms part of the pastoral landscape that informs the setting of the village. Notably, it is the perceptible absence of development combined with its open and verdant characteristics cause the appeal site to integrate very obviously with the wider rural landscape. The site is also a feature of the open, sloping ground that lies between the B4077 and the settlement edge that influences a sense of its rural separation.

⁷ LP LND2

⁸ CD G1 3.3 p. 11 LVSS

22. From various vantages along the B4077, and further afield, Alderton is perceived as distinct rural settlement encircled by an agrarian landscape. An arable field, crossed by a public footpath, separates the appeal site from the B4077. Turning off the B4077, Willow Bank Road provides the principal gateway to the village. The narrowness of this route, lack of street lighting and the mature vegetation along it, combine to create an attractive country-lane character. That character is maintained up to where development on either side of Willow Bank Road marks a transition from the countryside to the envelope of the village. Leaving Alderton via Willow Bank Road, there is a similar shift from settlement to countryside where development currently terminates, and far-reaching views to the surrounding rural landscape open.
23. In this context, the proposal would represent an urban intrusion onto the appeal site, which would undermine its characteristically open, verdant and undeveloped nature. Notwithstanding other routes in Alderton do not have an equal balance of development on either side, the appeal scheme would advance an obvious 'creep' of built form beyond the extant village envelope encroaching into its countryside setting.
24. A not-insignificant length of mature hedgerow along the east side of Willow Bank Road would also be removed to facilitate the site's access and visibility splays. The transitional point that marks the village edge would consequently shift, as the village envelope extends further into the open countryside, and there would be a reduction in the existing character of a country lane. The extension of development southwards out of the village would be perceptible from the B4077 and the sense of openness and separation lessened.
25. Furthermore, the visual link between the settlement edge and the stream would be, albeit not in its entirety, fragmented. The current relationship between the settlement edge and the watercourse would be fundamentally altered and the southern countryside setting of the village weakened. The changed and developed effect of the appeal scheme would be obvious in views towards the south east from the top of Willow Bank Road; towards the site from B4077/Willow Bank Road junction; at points travelling along the B4077; and from the nearby footpath. All of this notwithstanding, the legibility of the impact of the development on the setting of Alderton and the surrounding landscape would be relatively localised.
26. That said, there are aspects of the proposal that would certainly mitigate its impacts. There would not be wholesale loss of the sense of openness and separation across the whole of Ald-01 and no impact on the views to the historic village core and church from the south east. In my view, the setting-back of the building line from Willow Bank Road would maintain something of the openness between Fletchers Close and the watercourse, while the landscaping proposed would also preserve something of its open and verdant edge. Although beyond the Ald-01 land parcel, the field south of the watercourse would maintain the very critical separation between the village and the B4077.
27. In combination with a relatively loose-knit layout, the supplementary landscaping proposals, over time, would achieve a more successful assimilation with the local landscape. At greater distance, certainly south of the B4077 into the AONB, the sense of countryside encroachment would increasingly dissipate. Seen from the south and higher ground at Gretton, for example, Alderton would still be read as a clustered settlement surrounded by a belt of open

countryside. Thus, Alderton would maintain the sense of being a self-contained settlement within a wider rural landscape. In this context, I consider the scheme would be sensitively located and designed so as to avoid adverse impacts on the designated area of the AONB.

28. Although I find that the proposed development would cause some harm to local landscape character, notably to the countryside setting to Alderton, the degree of harm would be moderate when considered with mitigating influences. Insofar as the proposals would fail to avoid detrimental effects on a feature that makes a significant contribution to the character and settlement of Alderton, conflict arises with JCS Policy SD6, LP Policy LND2, as well as emerging policy LAN1 of the TBP. While I find the development itself would be well-designed, there would be some conflict with the natural environment enhancement aims within the revised Framework, notably insofar as it seeks ensure decision contribute to and enhance the natural environment, enhance value landscapes and recognising the intrinsic character and beauty of the countryside⁹.

Social well-being and community cohesion

29. As a consequence of distributing development, JCS Policy SP2 expects the Service Villages will accommodate lower levels of development, proportional to their size and function and taking into account of, amongst other things, social impacts and the existing levels of growth over the plan period. The ANP seeks to conserve the active, cohesive nature of the Alderton community and, citing the community's views, indicates the overriding concerns of residents are the rate of new development, and, amongst other things, the resultant impact on the small village environment and the close-knit nature of the community¹⁰.
30. Alderton went through a period of fairly intensive development in the years around 2014 and 2015, when there were four applications and subsequent appeals for new housing developments in the village. The Council's Statement of Case identifies a 26% growth in Alderton since the plan period started in 2011; the addition of a further 28 homes would increase that growth to 36%¹¹. I do not underestimate that the initial rate of increase was sizable for a relatively small rural village. However, this proposal would reflect a smaller increase, of around 11% since 2017, when compared to that when previous Inspectors were considering the impacts on the village's social well-being and cohesion¹².
31. I note the misgivings of some residents about whether an influx of new households could be successfully integrated into the village without harming this social well-being and community cohesion. It may well be that newer residential populations take longer to become socially active or engaged in community life compared with more well-established residents from the central core of the village. However, from the evidence I have read and heard, the close-knit community and active village life in Alderton continues to thrive. Ostensibly, the village offer has remained diverse in its range of social and community-led activities, and the strong local community spirit has been maintained despite the new residential populations from the Beckford Road and Fletchers Close estates. I also understand that at least some of these new

⁹ Revised Framework para 174

¹⁰ ANP para 1.29 p. 19

¹¹ CDC3 para 5.14

¹² CDI2 CDI4

residents walk their dogs in the village, have children in the local school, use the shop and have become involved in the local gardening club.

32. There may be a sense of disappointment that there has not been a greater take-up of village life by some residents. That is not to say, however, that there has been no interaction; nor that integration will not grow over time. Following its construction, I see no reason why the new residential population the appeal scheme would introduce should not eventually become established and absorbed into the village community.
33. I have already concluded that the location of the appeal site outside Alderton's settlement boundary means the development would fail to accord with Policy H1 of the ANP. For a community who engaged so proactively, and relatively recently, in the making of their neighbourhood plan, I can appreciate that a sense of disillusionment could arise through developments in contravention of its policies. With some 75 dwellings already committed in the village, over a disaggregated indicative requirement of 53 dwellings, and no further allocations identified in the ANP, no further allocations are proposed for Alderton within the emerging TBP¹³. However, the ANP Policy H1 does not rule out additional further housing on sites outside its settlement boundary per se, if, for example an identified need for further housing arose through a future development plan. For the residents to whom the attraction of Alderton lies in its size, the developable extent of the village is not necessarily fixed.
34. There is no suggestion from the Council that the existing infrastructure or local services in Alderton could not accommodate the increase in the number of dwellings proposed. Rather, I heard evidence that the local shop is in want of additional custom, the local primary school is undersubscribed, and a variety of community clubs and social activities are encouraging new members. While the appeal site would be a discrete housing estate beyond Fletchers Close, to my mind nothing about its location or layout suggests that future social interactions might be hindered, or the vitality of the rural community not be maintained or enhanced.
35. Taking this all into account, and considered cumulatively with other development in Alderton, I do not find that the proposal would represent a disproportionate increase in the size of Alderton as a Service Village. With time, I believe that perceptions of negative social impacts associated with a new residential population at the village edge will dissipate. The proposed development would consequently not irreversibly undermine the social well-being and community cohesion of Alderton and conflict with policies S2 of the JCS and H1 of the ANP does not arise.

Mix and balanced communities

36. Policy SD11 of the JCS seeks to ensure an appropriate mix of dwelling sizes, types and tenures, and to address the needs of the local area. Policy H4 of the ANP requires new housing in Alderton to include small and medium-sized houses with one to three bedrooms. The parties agree that no development plan policies set limits on the size of houses, and that, considered in its entirety, the housing mix would not conflict with Policy H4 of the ANP¹⁴.
37. Yet, the Council and the Parish Council contend that the proposal would fail to provide an appropriate mix of dwelling sizes. Specifically, that the three

¹³ Para 11.8 CDE7

¹⁴ Para 8.38 CDC7

'Nessvale' house-types proposed are considered to be too large. I understand that, subsequent to negotiation with the Council, these Nessvale houses were re-configured internally to create three rather than four-bedroom dwellings. It is put to me that without a corresponding reduction in scale, upon completion the three-bedroomed dwellings could be easily converted back to four-bedroom dwellings. Such assumptions are, however, speculative.

38. The proposed development would satisfy a full policy-compliant level of affordable housing and provide a total of 13 three-bedroomed units, ten of which would be smaller than the Nessvale-type. Although larger, the size of the Nessvale dwellings does not preclude them being attractive to downsizers, older persons in the village, nor necessarily too expensive. In terms of affordable housing provision, the Council is satisfied that the scheme would be policy compliant. All things considered, I find the proposed development would provide an appropriate mix of dwelling sizes and a choice of homes of different sizes and tenures to satisfy the needs of people in the local area. As such, there would be no harm to the mix and balance of communities, the balance of the housing market in the Borough nor conflict with Policy SD11 of the JCS or H4 of the ANP.

Other matters

39. Neither the Council nor Gloucestershire County Council as the Lead Local Flood Authority raised objections in respect of flood risk. However, matters of flood risk and data modelling have been raised by interested parties. The application was supported by a Flood Risk Assessment and the appeal site is variously within flood zones 1, 2 and 3 and local experience of flooding events occurring towards the southern part of the appeal site and across Willow Bank Road.
40. The proposal would see development on the north and eastern portions of the appeal site, in areas falling within Flood Zone 1, with the least probability of flooding. The scheme incorporates sustainable drainage systems, and the design has no buildings located in Flood Zone 2 and the pond would not be in Flood Zone 3. As no development would be proposed within Flood Zone 3 of the EA Flood Maps for Planning, GCC's Sustainable Drainage Engineer confirmed verification of the new data model would not be required¹⁵. Subject to the imposition of conditions, I am satisfied that the proposals would not cause harm in respect of flood risk and that inappropriate development in areas at risk of flooding now, or in the future, would be avoided.
41. The matter of ecology is not one in dispute between the main parties, and there has been no objection to the proposals from Natural England or the Council's ecologist. However, the Parish Council party raised a query about Great Crested Newts (GCNs) and their potential presence in waterbodies within 500m of the appeal site. There is no compelling evidence to counter the appellant's robust ecology submissions, including their supplementary Habitat Suitability Index Assessment (HIS) and data search¹⁶.
42. There is no data evidence to identify the presence of GCNs within a 2km radius of the appeal site. The HIS identifies waterbodies as being either having 'below average' suitability for GGNs, or being isolated with no direct connectivity to the appeal site. Additionally, the site itself is identified as having suboptimal terrestrial habitat. The imposition of planning conditions will ensure, amongst

¹⁵ LLFA letter 30.01.2020 CDB7-A

¹⁶ ID12

other things, a 20m landscape buffer of natural habitat be provided along the watercourse, and suitable site drainage to protect water quality. Based on the information provided, I therefore have no cause to judge that the proposed development would have any harmful effect on ecology, specifically GCNs or their habitats. Rather, through the imposition of conditions, I am satisfied the proposal would minimise the impacts on and provide net gains for biodiversity.

Housing land supply and the planning balance

43. The proposal is not in accordance with the spatial strategy and would conflict with Policy SD10 of the JCS. While not carrying through to affect the setting of the AONB, the proposed development would cause harm in respect of local landscape character. Irrespective of an absence of harm to social cohesion, housing mix or community balance, the appeal scheme runs counter to the development plan, against which planning decisions should be made unless material considerations indicate otherwise.
44. Such considerations include the revised Framework's presumption in favour of sustainable development. The Council is unable to demonstrate a 5-year supply of housing land and the Inquiry focused in some detail on the supply numbers, delivery rates, and timescales for remedying the supply position. The Council contends that it can demonstrate a supply of 4.35 years; the appellant, just 2.08 years. The extent of the shortfall does not affect the operation of footnote 8 of the revised Framework and its triggering of paragraph 11(d). That said, the degree of shortfall does, amongst other things, inform the weight to be given to the delivery of new housing in general.
45. Policy SP1 of the JCS sets a housing requirement for Tewkesbury of at least 9,899 homes in Tewkesbury, with 7,445 identified in the plan, which was consequently adopted with a shortfall of 2,454 homes¹⁷. The Council's HLS figure relies on accounting for over-delivery of housing against an annual requirement during the first 9 years of the JCS plan period from 2011; identifying a 'surplus' of 1,124 homes against the annualised requirement figure¹⁸. The appellant contends over-delivery should not form part of the calculations when an under-supply persists across the JCS area and Housing Market Area as a whole. But, to account for the needs of other authorities, albeit as part of the JCS, would be to ignore the numbers expected and delivered in Tewkesbury Borough.
46. There is no national or local policy or guidance on how over-supply should be treated, and I have been presented with Inspectors' decisions that adopt differing approaches¹⁹. Albeit I have not seen a timetable, upon its adoption, the TBP currently looks set to indicate in excess of a 5-year supply of deliverable sites in Tewkesbury, if over-supply is banked. But, until such time, there remains an existing under-supply. The current development plan includes the JCS of which Policy REV1 sought an immediate partial review to address the shortfall. After national policy changes, the approach is now to undertake a wholesale review of the JCS, which, on the evidence before me, is at least two years off completion. Even including Mitton into the expectation of future

¹⁷ JCS Review Policy REV1 sought a partial immediate review

¹⁸ Dividing the 9,899 homes by the 20 years of the plan period gives a notional requirement of 495 homes per annum. 5579 homes have been delivered since the start of the plan period, giving an 'over-supply' of 1,124 compared to the 4455 homes that would be delivered if just the notional annual requirement was provided Ms Millman LPA Housing Supply PoE 4.9-5.1

¹⁹ CDI11, CDI17, CDI23, CDI25

supply²⁰, after December 2022, the JCS will become 5 years old and a switching to the standard method for calculating housing need will likely increase the housing requirement. As was found by the Inspector deciding the Coombe Hill appeal²¹ hopes of closing the shortfall gap through the TBP or JCS review can only be speculation at this stage.

47. Nonetheless, in my judgement, the Council's method of taking account of an over-supply against the annual requirement is not be an unreasonable one. Although the total requirement is not capped and should not be treated as a maximum, there is no imperative that it be surpassed. Some 5,579 homes have already been delivered since the start of the plan period. To continue to require 495 homes a year when the past over-supply would indicate a lesser requirement, would, it seems to me, to be to 'artificially inflate' the housing requirement²². I am not convinced, having accepted this position, that the appellant's argument that the supply is as low as 2.08 years is robust.
48. On the specific matter of delivery rates, at Fiddington²³, I understand that there has been delays, there is not a developer, and no reserved matters application has been submitted, causing me to doubt the timescales. At Stoke Road, the reserved matters have not been approved and there is no clear and robust evidence to support completions on that site in 2022/2023. Consequently, if removing Fiddington and Stoke Road from the supply figures, the Council's supply would be 3.82 years²⁴; which, in my view represents a serious undersupply.
49. The number of houses the appeal scheme would provide is much lower than in the cases at Fiddington or Coombe Hill. Thus, the housing benefit proportional to the size of shortfall in housing supply is not usefully comparable. While the emerging TBP, upon adoption, looks set to address the land-supply situation for a time, there is still a significant undersupply at present. Nonetheless, there are key social benefits associated with 28 additional homes and providing a policy-compliant level of affordable housing (40%), and at an appropriate mix of types and tenures. There would also be economic and social benefits associated with the construction phase and as future residents feed into the local economy. All of the benefits of the proposal, taken in the context of a serious under-supply, in my judgement, attract significant weight in its favour.
50. There would be harms and clear conflict with the development plan. In terms of landscape impacts, I find the harm would, in time and with mitigation, be moderate and should carry moderate weight against the proposal. There would also be harm arising from the conflict with the spatial strategy. Albeit it is healthier than that purported by the appellant, the current housing supply position reduces the weight I attribute to the conflict with Policies SD10 and SP2 to a limited level.
51. I do not share the appellant's view that landscaping, open space provision or financial contributions for off-site infrastructure would be benefits per se; rather these would be necessary mitigation. That said, nor do I share the Council's opinion that there would be harm to social cohesion or balanced

²⁰ Of the sources of supply identified for Tewkesbury Borough in the TBP Housing Background Paper, 500 homes are identified at Mitton in Wychavon District where the South Worcester Development Plan has yet to be found sound and there are outstanding objections

²¹ CDI15b

²² ID20 para. 61 reference to CDI25 appeal

²³ CDI18

²⁴ Housing SoCG CDH1 para 2.11

communities. Rather, against a context where the local school, local shop and other activities within the village are reputedly experiencing low numbers, additional housing will surely provide additional social benefits over and above those normally expected of housing development, to which I attribute modest additional weight.

52. I accept that the application of the presumption may have implications for the way communities engage in neighbourhood planning. Nevertheless, the thrust of government policy is to significantly boost the supply of homes and a balance being struck between the need for housing against other harms. The proposal would deliver more homes against a context of a present and not-insignificant undersupply. That delivery will come at the cost of local landscape character and may risk a sense of dismay and frustration of the local community, which has proactively engaged in the local plan making process.
53. In light of the foregoing, in the overall planning balance, I do not find that the adverse impacts of granting planning permission would be of such magnitude that they significantly and demonstrably outweigh the benefits.

Planning obligations

54. The UU secures the provision of financial contributions in respect of libraries and I am satisfied that the figure has been calculated as proportional to the scale of the development and is justified in terms of mitigating the potential effects of the development on local services. The S106 secures contributions towards the provision of off-site play facilities, off-site affordable housing contribution (0.2 dwelling), refuse and recycling, and monitoring fees. The Council produced a CIL compliance statement, and I am satisfied that obligations and contributions are necessary to render the proposal acceptable in planning terms and satisfy the other tests for planning obligations set out in the revised Framework. I have taken these into account in reaching my decision.

Conditions

55. I have considered the suggested conditions that were discussed at the Inquiry against the tests set out in paragraph 56 of the Framework. Where pre-commencement conditions have been imposed, the precise wording has been agreed with the Appellant. Otherwise, I have adopted the suggested conditions with only minor changes to wording to add clarity as appropriate.
56. Conditions setting out the timescale for the commencement of the development and the list of approved plans necessary to provide planning certainty and clarity. A condition requiring details of finished floor levels is necessary to ensure the development does not harm the character and appearance of the area or neighbours' living conditions. Conditions requiring details of walling and roofing materials, including samples, roof-level features of individual dwellings and garages are required in the interests of good design and local character. A condition requiring a scheme for the protection of retained trees and hedgerows and controlling timings for the carrying out of the landscaping or replacement planting are necessary to ensure the scheme is attractive, protects local character and respects interests of biodiversity. A condition requiring further details of lighting for external areas of the development is necessary to ensure the living conditions of future residents will not be harmed and local character protected.

57. A condition requiring a construction management statement is necessary to mitigate the effects of construction traffic in terms of highway safety and safeguarding local air quality. A condition requiring the installation of electric vehicle charging points is necessary in the interests of mitigating climate change and contributing to sustainable development.
58. Conditions are required to safeguard water management and water resources as a result of the development; also, to secure details of foul and surface water drainage in order to mitigate the risk of pollution or flooding that might arise as a result of the development. Conditions requiring a construction ecological management plan and landscape and ecological management plan be provided are necessary to ensure the development does not harm protected species, in the interests of biodiversity, and to ensure the long-term landscape objectives are achieved. Given the limited probability of GCNs being affected by the proposals, I do not consider the requirement of pre-commencement checks and mitigation would be reasonable or necessary.
59. Conditions requiring access arrangements, parking and turning be carried out in accordance with the approved details are necessary in the interests of highway safety and in the interests of good design. Conditions requiring the provision of secure and accessible bicycle storage and the submission of a Travel Plan are necessary to ensure that the future occupiers are offered a sustainable choice of means of travel. A 'Grampian' condition is required to prevent the start of the development until the relocation of the speed limit on Willow Bank Road is necessary in the interests of highway safety.

Conclusions

60. In view of the absence of a 5-year housing land supply and the engagement of the 'tilted balance', in my judgement, the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of the proposed development. I therefore conclude that the appeal should be allowed and that planning permission granted, subject to the schedule of conditions set out in Annex 1 to this decision and the obligations comprised in the UU and S106.

H Porter

INSPECTOR

APPEARANCES

FOR THE APPELLANT

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Mr Simon Tucker BSc(Hons) MCIHT

FOR THE COUNCIL

Mr Josef Cannon of Counsel

instructed by Solicitor, Tewkesbury
Borough Council

He called:

Mr Paul Instone BSc(Hons) DipTP MRTPI

Director, Applied Town Planning Ltd
Joint Core Strategy Planning Policy
Manager, JCS Authorities

Ms Hannah Millman BSc(Hons) MSc MRTPI

Director, Ryder Landscape
Consultants Ltd

Mr Stuart Ryder BA (Hons) CMLI

Principal Planning Lawyer, One Legal
Senior Lawyer, Gloucestershire
County Council

Mr Jeremy Patterson

Bridgette Boucher

FOR THE RULE 6 PARTY

Cllr Mike West

Alderton Parish Council

Ms Nicola Broderick MRTP

Alderton Parish Council

Mr Robert Smith-Graham

Alderton Parish Council

Mr Geoff Waite

Hydraulics Engineer, Weetwood

OTHER INTERESTED PARTIES

Mrs Helen West

Alderton resident

Mr John Kettle

Alderton resident

Annex 1

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - P16-1145_03 Rev C (Site Location Plan)
 - P16_1145 Rev Y (Site Layout)
 - P16_1145_06-1D (Street Scenes (A-C))
 - P16_1145_06-2D (Street Scenes (D-E))
 - P16-1145_05C (House Type Pack)
 - P16-1145_05-1 Rev B (Bungalow)
 - P16-1145_05-2 Rev B (Hunsley – stone)
 - P16-1145_05-3 Rev B (Hunsley – brick)
 - P16-1145_05-4 Rev A (Hurwick – stone)
 - P16-1145_05-5 Rev B (Nessvale – stone)
 - P16-1145_05-6 Rev A (Osmore – stone)
 - P16-1145_05-8 Rev A (Maisonette)
 - P16-1145_05-9 Rev A (Belford)
 - P16-1145_05-10 Rev A (Dinfield)
 - P16-1145_05-11 Rev A (Fynford)
 - P16-1145_05-12 Rev A (Himscot)
 - P16-1145_05-13 Rev B (Jaybrook)
 - P16-1145_05-14 Rev B (Homebrook)
 - P16-1145_05-15 (Single garage – brick)
 - P16-1145_05-16 (Double garage – brick)
 - P16-1145_05-17 (Twin garage)
 - P16-1145_05-18 (Bin/Cycle Store)
 - GL116801 Rev B (Soft Landscape Proposals)
 - 2379_08_020_01 Rev B (Access Design)
 - 23791_02_010_01 Rev F (Concept General Arrangement)
 - P16-1145_07-02 C (Enclosure Details)
 - 23791_02_010_08 (Fire Tender Tracking Plan)
 - P16-1145_09 Rev A (Management Plan (Highways))
 - 2379_02_010_10 (Pond Sections)
 - 23791_02_010_09 Rev B (Preliminary Finished Floor Levels)
 - 23791_02_010_07 (Refuse Tracking Plan)
 - 23791_02_010_11 (Site Cross Sections)
 - 23791_06_170_01.1 (Topographical Survey)
 - P16-1145_07-01 B (Materials Plan)
3. Notwithstanding condition 2, no development (including any site preparatory works) shall take place until full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings, in relation to existing ground levels, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
4. No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees and hedgerows and the appropriate working methods in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and

construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.

5. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) Numbers, type and parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) wheel washing facilities;
 - v) details of the days and hours construction works shall take place;
 - vi) measures to control the emission of dust and dirt during construction.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

6. No development shall take place until a Construction Ecological Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall provide:
 - i) Risk assessment of all site works and construction activities including pre-commencement checks and provisions for protected species;
 - ii) Identification of 'biodiversity protection zones' that shall include details of biodiversity features including, but not limited to, hedgerows and mature trees, as well as any protective fences, exclusion barriers and warning signs to be used during the construction of the development;
 - iii) Construction ecological method statements that shall include details of physical measures and sensitive working practices that shall be adhered to in order to ensure against harm to biodiversity features during the course of construction;
 - iv) the locations and timings of when sensitive construction working practices will be undertaken;
 - v) the times at which during construction ecological or environmental specialists should be present on site to oversee sensitive construction works;
 - vi) The name and contact details of an ecological and environmental clerk of works and details of their role and responsibilities, including monitoring and compliance checks, during construction and immediately post-completion of the construction works.

The construction shall be carried out in accordance with the approved CEMP.

7. Notwithstanding condition 2, no development shall take place until details of the provision of secure and accessible bicycle parking within the site to serve each of the dwellings hereby approved has been submitted to and approved in writing by the local planning authority.

None of the dwellings hereby permitted shall be occupied until space the provision of secure and accessible bicycle parking has been carried out in accordance with the approved details. Thereafter, that provision shall be retained for the parking of bicycles.

8. No development shall take place until a Traffic Regulation Order (TRO) relating to the relocation of the speed limit located on Willow Bank Road, Alderton has been completed.
9. No development shall take place until details of the implementation, adoption, maintenance and management of the sustainable drainage (SuDs) system shall have been submitted to and approved in writing by the local planning authority. Those details shall include:
 - i) a timetable for its implementation;
 - ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.
10. None of the dwellings hereby permitted shall be occupied until the SuDs system for the site shall have been completed in accordance with the submitted details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.
11. Notwithstanding condition 2, prior to the construction of the dwellings hereby approved, details of the design of the eaves, soffits, barge boards and fascia boards of each house type shall have been submitted to and approved in writing by the local planning authority. Those details shall include drawings at a scale of 1:20 in plan or elevation or 1:5 sections; colours (RAL number), and materials. Development shall be carried out in accordance with the approved details.
12. Notwithstanding condition 2, prior to the construction of the buildings hereby approved, samples of all external facing and roofing materials of each house type, garages and bin/cycle store shall have been submitted to and approved by the local planning authority in writing. The relevant parts of the development shall be carried out in accordance with the approved sample details.
13. Before any of the dwellings hereby approved are first occupied, a Lighting Scheme that shall including details of lighting for the external areas of the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained thereafter.
14. Before first occupation, each dwelling hereby approved shall have been fitted with an Electric Vehicle Charging Point (EVCP) that complies with a technical charging performance specification, as agreed in writing by the local planning authority. Each EVCP shall be installed and available for use in accordance with the agreed specification and retained, unless replaced or upgraded to an equal or higher specification.
15. None of the dwellings hereby approved shall be occupied until the sewage disposal, foul water and drainage works shall have been completed in accordance with the submitted and approved plans.

16. None of the dwellings hereby permitted shall be occupied until a Landscape and Ecological Management Plan (LEMP) shall have been submitted to and approved in writing by the local planning authority. The LEMP shall include:
- i) Long-term design objectives, covering the first 10 years of management of landscape and ecological areas following commencement of construction;
 - ii) enhancement measures for existing natural habitats and created habitats, including those for protected species;
 - iii) the number and location of ecological features to be installed;
 - iv) responsibilities and maintenance schedules for all landscape and ecological areas.

The landscape and ecological enhancements shall be implemented and thereafter be managed and retained in accordance with the approved LEMP.

17. None of the dwellings hereby permitted shall be occupied until a means of access for vehicles, pedestrians and cyclists has been constructed in accordance with the approved plan 2379_08_020_01 Rev B (Access Design). The access shall be retained thereafter.
18. None of the dwellings hereby permitted shall be occupied until the internal access arrangements, parking and turning facilities have been carried out in accordance with the approved plan P16-1145_04 Rev Y (Site layout). The internal access arrangements, parking and turning facilities shall be retained thereafter.
19. None of the dwellings hereby permitted shall be occupied until a Residential Travel Plan has been submitted to and approved in writing by the local planning authority. The Residential Travel Plan shall include details of:
- i) clear objectives to maximise the opportunities to promote sustainable transport access both within the development site and linking with surrounding facilities and services
 - ii) a time-bound programme of implementation, distribution and ongoing availability of the Residential Travel Plan

Thereafter, the development shall be operated in accordance with the agreed details.

20. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Annex 2

INQUIRY DOCUMENTS

- ID1 Appellant Opening Statement
- ID2 LPA Opening Statement
- ID3 Rule 6 Opening Statement
- ID4 Email exchange dated 5.7.21 between Victoria Stone and Paul Skelton re application at Stoke Road
- ID5 Ecology Email exchange 7.7.21 between Ecology Planning (Dr Elizabeth Pimley) and Paul Instone re. Ecology Response to Great Crested Newts
- ID6 Inspector email to parties 7.7.21 re. ecology
- ID7 Alderton CIL Compliance Statement
- ID8 Appeal SV Map – Alderton Parish Council
- ID9 Certified copy of deed of planning obligation 7.7.21 (Unilateral Undertaking)
- ID10 7226447 CTC Midlands Power of Attorney 1.1.21
- ID11 Cover email dated 8.7.21 from Bridgette Boucher re. S106 & Libraries contribution
- ID11a GCC Note for S106 Session
- ID11b Provision of library contributions UU explained
- ID12 9017 Eco Tech Note Additional Eco Info Final – ecology note from appellant
- ID13 Cover email dated 8.7.21 from Bridgette Boucher re. CIL compliance
- ID13a CIL Compliance Statement Summary Revised
- ID13b 1900772 FUL-Appeal-CIL Compliance Statement Final (Libraries only) 8.7.21
- ID14 Email from Alderton Parish Council re appellant’s ecology note 9.7.21
- ID15 Cover email dated 5.07 from David Hutchison to PINS/Alderton Parish Council re. flood risk modelling
- ID15a August 2019 FRA
- ID15b Email exchange Paul Instone/Laura Stanway re. levels 28.08.2019
- ID16 Agreed list of SoCG application documents
- ID17 Alderton CIL Compliance Statement Final (typos corrected)
- ID18 Ecology SoCG including suggested condition 9.7.21
- ID19 Rule 6 Closings
- ID20 LPA Closings
- ID21 Appellant Closings