
Appeal Decision

Site visit made on 20 May 2015

by Siobhan Watson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24/06/2015

Appeal Ref: APP/G1630/W/15/3004304

Land adjacent to Gretton View, Alderton, Tewkesbury, Gloucestershire, GL20 8TP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr D Greening against Tewkesbury Borough Council.
 - The application Ref 14/01021/FUL, is dated 18 October 2014.
 - The development proposed is for the erection of 4 detached dwellings and associated works.
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Decision

1. The appeal is dismissed and planning permission is refused for the erection of 4 detached dwellings and associated works.

Procedural Matter

2. I have removed "revised resubmission of planning reference 13/01018/FUL" from the description of development as the reference to the previous application does not constitute an act of development.

Main Issues

2. The main issues are the effect of the proposed development upon (i) the character and appearance of the area; and (ii) the setting of the adjacent Grade II listed building, the Old Rectory.

Reasons

Character and Appearance

3. The site is outside of the settlement boundary of Alderton. The Council accepts that it cannot demonstrate a 5 year supply of housing and that therefore its saved Policy HOU4 of the Tewkesbury Borough Local Plan to 2011 (LP) (2006) is out of date. This means that the location of the appeal site outside Alderton's settlement boundary is not a reason to refuse planning permission for the scheme but that the scheme should be assessed in accordance with paragraph 14 of the Framework. This sets out that at the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For
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decision-taking, this means that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of a development would significantly and demonstrably outweigh the benefits or where specific policies in the Framework indicate that development should be restricted. The Council does not advocate that there are any specific policies in the Framework which indicate that development should be restricted. I am also aware that Alderton is one of the service villages identified in the emerging Joint Core Strategy Submission Version November 2014 (JCS) for some new housing.

4. The Council's main concerns in respect of the character and appearance of the area are the effect of the development within the landscape and that the development would appear cramped. The site is located in a locally designated Special Landscape Area (SLA) but it is outside the Cotswolds AONB. It is located on the edge of the village of Alderton at the end of the cul-de-sac, Gretton View. There is residential development to the north and west but the land is open to the east and south and is visible across the fields to the south from the B4077. Part of the village, including Gretton View is also visible from the B4077 although a large proportion of the village is screened by vegetation.
5. Paragraph 17 of the National Planning Policy Framework (the Framework) says that planning should recognise the intrinsic character and beauty of the countryside. Clearly, the proposed development would encroach into the countryside and therefore, by eroding the countryside some harm would occur.
6. Nevertheless, in order to screen the development from the wider countryside to the south, the appellant has proposed a landscaping scheme around the site, in particular on its southern boundary. The planting contained in this scheme, which would include heavy standard tree planting and both native and exotic tree and shrub planting, would be characteristic of the existing planting which screens part of the village from the fields to the south. The appellant says that not only would the planting help to screen the proposed development but it would also help screen the existing housing at Gretton View from long range views from the south thereby integrating it into the SLA. I agree that this landscaping could, in time, provide some benefit in terms of mitigating views of the settlement from the south. Nevertheless, landscaping would take time to mature and cannot be relied upon to be permanent. I now turn to the layout of the scheme.
7. In respect of the previously dismissed scheme (APP/G1630/A/14/2219972) for housing on the site, the Inspector found that the layout would create a tight grouping of built form that would appear shoehorned into the site. She said that such a grouping is more typically found in historic village centres, rather than on their outer fringes adjoining open countryside. In respect of this revised scheme, the size of the proposed site has been slightly increased by extending it into the paddock to the east which would result in a density of 20 dwellings per hectare which is relatively low. In addition, the footprints of the proposed houses have been reduced somewhat and there are also greater distances between the drive, buildings and their boundaries, including the southern boundary. Plot 3 has been turned so that the gable end would not face the southern boundary, thereby lessening the amount of built form that would face the adjoining open countryside. In addition, there would be some

tree planting towards the end of the proposed cul-de-sac which would help to add to a sense of spaciousness.

8. Nevertheless, these changes to the previously dismissed layout are on a small scale and the basic characteristics of the previous scheme remain; which are that 4 substantial houses would be grouped closely together on a similarly sized plot. Regardless of the resultant density per hectare, the layout would be uncharacteristic of the character of the adjoining, looser development at the edge of the village to the west.
9. In summary, whilst the proposed screening could be of some benefit to views from the south, the close grouping of dwellings and the encroachment into the countryside would inevitably cause harm to the character and appearance of the countryside and village; and the screening would not overcome the overall harm. I therefore find harm to the character and appearance of the area and conflict with LP Policy LND2 which, amongst other matters, seeks to protect the SLA in respect of the quality of the natural and built environment and its visual attractiveness. This is an adverse impact that will need to be weighed in the overall planning balance. I have also had regard to Policy SD7 of the Joint Core Strategy Submission Version November 2014 (JCS) which seeks to protect landscape character for its own intrinsic beauty. However, as this policy has not yet been through the full adoption process I have only given it some weight as a material consideration.

Setting of the Listed Building

10. Following the dismissal of the previous scheme, the layout has been amended to move the dwellings further away from the western boundary. This would ensure that adequate landscaping would remain between the plot and the boundary of the Old Rectory. This building's main elevations are not facing the appeal site and it sits in its own expansive plot. Therefore, I consider that the proposed development would not harm the setting of this building and I find no conflict with paragraph 126 of the Framework which indicates that heritage assets are an irreplaceable resource and they should be conserved in a manner appropriate to their significance. I have also taken into account as a material consideration, JCS Policy SD9 which indicates that development must have regard to the historic environment.

Other Matters

11. In its decision, the Council has quoted LP Policy HEN2 but as I have not been provided with a copy of this I have not taken it into consideration but I note from the previous appeal decision that it refers to conservation areas. The appeal site is not within a conservation area.
12. The Council has not raised any objection to the detailed design of the dwellings and I have no reason to conclude otherwise. I have considered all other matters raised, including the representations from interested parties but none outweigh the conclusions I have reached.

Conclusion

13. Whilst I find no harm to the setting of the listed building, I do find harm to the character and appearance of the area. This would significantly and demonstrably outweigh the social and economic benefits of the modest contribution of 4 dwellings to the housing supply. In these circumstances therefore, I conclude the proposal would not constitute sustainable development and the appeal is dismissed.

Siobhan Watson

INSPECTOR