



Appeal Decision

Hearing held on 12 April 2016

Site visit made on 12 April 2016

by Nicholas Taylor BA (Hons) MRTPI

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

Decision date: 15 August 2016

Appeal Ref: APP/C1625/W/15/3139586

Land at Street Farm, Church Road, Cam, Gloucestershire GL11 5PG

- 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 Neon Homes against the decision of Stroud District Council.
 - The application Ref S.14/2438/FUL, dated 17 October 2014, was refused by notice dated 12 June 2015.
 - The development proposed is construction of residential development with formation of new access and associated works.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for a full award of costs has been made by the appellant against Stroud District Council. This application is the subject of a separate decision.

Background and Main Issues

3. Since the application was determined, the *Stroud District Local Plan* (SDLP) was adopted in November 2015, replacing the previous *Local Plan*, which is referred to in the Council's reasons for refusal. Both main parties and third party local residents have been able to take account in their evidence of the implications of the new plan. I confirm that I have had regard in my decision to the recently adopted SDLP.
4. The appeal site incorporates part of the curtilage of Street Farm, which was at the time the application was determined, a Grade II listed building. The Council confirmed at the hearing that, as the building was removed from the statutory list by Historic England in October 2015, it no longer wished to pursue its first reason for refusal. Whilst some local residents are aggrieved at the decision to de-list the building, it is not a matter within my remit in determining this appeal.
5. The appellants have submitted a Unilateral Undertaking, relating to planning obligations for affordable housing and a contribution to off-site open space. I shall address this in my reasoning.
6. The agreed Statement of Common Ground between the main parties is contradictory in places but their stance was clarified at the hearing. I heard

complaints from both main and some third parties about delayed availability of documents and that some potential objectors had not been informed of the arrangements for the hearing. However, in view of the large amount of detailed third party evidence on file, the significant number of third parties who attended the hearing, including the site visit, and who were able to provide a video presentation, I consider that no individual party is unduly disadvantaged by me completing the hearing event and proceeding to a decision.

7. In support of their interpretation of the SDLP, the appellants cite a recent appeal¹ concerning an outline proposal for 51 dwellings at Kingswood, also within Stroud District. Whilst it is an established principle that each case should be considered on its merits, consistency of decision making is also an important planning principle. At the time of the hearing, the Council had challenged the appeal decision in the courts but the matter had not yet been resolved. The High Court has now rejected the challenge, so the appeal decision stands. The main parties have had an opportunity to comment further on the matter and I consider that it is a material consideration in the current appeal.
8. Having regard to all the evidence before me, including the representations made by third parties, I consider that the main issues in this case are:
 - whether the proposal would comply with the development plan settlement strategy and would represent a sustainable form of development, having particular regard to the development plan and national policy; and
 - the effect of the proposal on highway safety.

Reasons

Settlement strategy and whether a sustainable form of development

9. The proposed development would comprise 14 dwellings grouped around an access road. A small part of the site, including the point of access and one of the dwellings, would be within the settlement boundary of Cam and Dursley, with the larger part just outside it. The site is located on the edge of Upper Cam, which, in turn, is a neighbourhood with a village character on the edge of the larger urban area of Cam.
10. Core Policy CP1 of the recently adopted SDLP sets out a presumption in favour of sustainable development, reflecting the overall thrust of the Framework, which describes three strands – economic, social and environmental – to sustainable development. SDLP Core Policy CP2 states that the District will accommodate at least 11,400 additional dwellings and identifies strategic growth and development locations within the district. It specifically identifies a number of strategic sites and says that, outside strategic sites, development will take place in accordance with the plan's settlement hierarchy. Importantly, the policy goes on to say that housing development will take place within settlement development limits (and employment and retail development will take place in certain locations) but also that limited development will take place outside those designated areas and in accordance with the policies of the plan.
11. In SDLP Core Policy CP3, Cam and Dursley, together, is identified as a First Tier settlement within the hierarchy. The two places are also treated as one

¹ PINS Ref APP/C1625/W/15/3011370, issued 17 February 2016

settlement in the 'Mini-vision' prepared in support of LP Policy CP4, which promotes place making. Policy CP3 explains that the First Tier settlements are the District's main towns and the primary focus for growth and development. The plan's development strategy, as explanatory paragraph 2.75 to Policy CP3 emphasises, aims to prioritise growth at sustainable locations, in accordance with the settlement hierarchy. However, paragraph 2.76 goes on to say that the settlements all have defined settlement boundaries or "development limits" (quotation marks as in the text), within which suitable development may be permitted.

12. The Council has referred me to the examining Inspector's report² on the Examination of the SDLP prior to its adoption. The examining Inspector confirms³ that the settlement hierarchy is a key element of the overall strategy, in which [housing] developments other than at the identified strategic sites could take place within settlement limits, whilst appropriate development, such as rural exception sites and sites identified in neighbourhood plans, could take place outside settlement limits.
13. The settlement boundaries were expressly consulted upon and considered during preparation of the SDLP, as acknowledged by the examining Inspector⁴, who took the view that they help to manage growth and direct development to the most sustainable locations. He also considered that the Council had "made appropriate and sound judgements about these detailed boundaries"⁵.
14. SDLP Core Policy CP15 sets out principles and criteria with which development outside identified settlement development limits must comply. These concern exceptions appropriate to a rural area. The proposed development would not comply with any of them and so, on the face of it, would conflict with Policy CP15. As well as endorsing the SDLP's use of development limits, the examining Inspector considered⁶ that Policy CP15 was broadly consistent, in terms of new development outside settlement boundaries and within rural areas, with national policy, set out in the *National Planning Policy Framework* (the Framework), particularly at paragraphs 54 and 55, and *Planning Practice Guidance* (PPG).
15. The appellants argue that the SDLP, through Policy CP2, seeks limited development outside designated areas and in accordance with the policies of the plan and that, at 14 dwellings, the appeal proposal would amount to such limited development. They also argue that the site represents a sustainable location, on the edge of a First Tier settlement, so that the proposal would broadly comply with the SDLP settlement hierarchy.
16. The Kingswood appeal, which I referred to above, was decided in the context of the currently adopted SDLP and an agreed five year housing land supply, as in the current case. However, it concerned a Third Tier settlement, thereby reducing the relevance to the current appeal of certain facets of the case and some of the Inspector's reasoning on his first main issue.
17. The current appellants argue that I should follow the reasoning of the Inspector in the Kingswood appeal that Policy CP2 provides for at least 11,400 dwellings,

² Dated November 2015

³ Paragraph 65

⁴ Paragraph 194

⁵ Paragraph 195

⁶ Paragraphs 192 - 195

together with limited development “outside those designated areas and in accordance with the policies of the plan”. The Inspector referred to SDLP paragraph 2.70, which explains that smaller scale development is expected to come forward at those settlements identified in the plan’s settlement hierarchy, as set out in Policy CP3. My colleague reasoned that Policy CP3 does not prohibit development outside the settlement boundary and that the Kingswood proposal would help to fulfil the settlement strategy.

18. Whilst now accepting that the Inspector was not incorrect, in law and in relation to the quantum of development in that Third Tier settlement, the Council continues to emphasise in the current appeal the primacy, in its view, of the part of Policy CP2 which states that “housing development will take place within settlement development limits”. The Council makes the credible point that, prior to adoption of its current SDLP, at the time the application leading to the current appeal was determined, reduced weight was afforded to settlement boundaries, as the relevant development plan policies for the control of land for housing development were not up to date.
19. In this case, I agree with the Council’s current stance, and therefore depart from the reasoning in the Kingswood decision, that Policy CP2 is unequivocal that housing development, other than at the identified strategic sites, will take place within settlement limits. Limited appropriate development, such as rural exception sites and sites identified in neighbourhood plans, complying with other policies, including Policy CP15, could take place outside settlement limits. Such an interpretation of the policy is consistent with the view taken by the LP examining Inspector.
20. Furthermore, whilst Policy CP3 sets no quantitative limit on housing development within First Tier settlements and does not expressly exclude the possibility of housing development outside settlement limits, neither does it expressly provide for it. Indeed, as noted above, accompanying paragraph 2.76 explains that suitable development may be permitted within defined “development limits”. In accord with the SDLP examining Inspector, I take the deliberate use of the word “limit” to be significant and important. The process of making the adopted SDLP involved confirmation of such limits within the LP on a settlement by settlement basis. Therefore, unless material considerations indicate otherwise, they should not be set aside lightly.
21. In the current appeal, both main parties accept that the wording of the key policies setting out the SDLP’s settlement strategy invites interpretation. However, based on my reading of the relevant parts of the development plan as a whole, having regard to the SDLP examining Inspector’s report, the Kingswood appeal decision and the particular circumstances and evidence before me in this case, I consider that, on the face of it, the proposed development – being located mainly outside the settlement boundary – would fundamentally conflict with the settlement strategy, as set out primarily in Policies CP2 and CP3.
22. I have also already found that, on the face of it, the proposal would not comply with any of the rural exceptions to restraint on development within the countryside, set out in Policy CP15, and reflected in paragraph 55 of the Framework. However, the appellants argue that explanatory paragraph 6.9 to Policy CP15 indicates that the primary focus of that policy is towards preventing the proliferation of development away from existing settlement

development limits, whilst the appeal site is adjacent to the Cam boundary and not away from it. They again cite the Kingswood appeal decision, in which the Inspector took the view that that proposal was "in conflict with the *test* (development outside settlement boundaries) [but not the purposes of Policy CP15] (to prevent the proliferation of development in areas away from existing settlements, and to avoid coalescence)"⁷. I accept that the current appeal site, on the edge of a large urban area, does not possess all the characteristics of a more deeply rural location, but, that notwithstanding, the larger part of it, being mainly outside the settlement boundary, is defined as countryside in terms of Policy CP15 and so the in-principle conflict with that policy remains.

23. A sizeable mixed-use development, referred to as the Littlecombe or Lister Road scheme, is still under construction on the edge of Cam, immediately west of the appeal site. I have not been given a full explanation as to the circumstances behind the approval of the scheme, which extends just beyond the settlement boundary. However, it is related to the redevelopment of a large brownfield site and is completely different in nature and scale to the appeal proposal. Consequently, I consider that it does not provide a strong guide to interpretation of policy in the current appeal.
24. Moving on from the settlement strategy, it is necessary to consider the impacts, both harmful and beneficial, of the appeal proposal and whether the location could be deemed to be sustainable, in order to inform the overall planning balance on the first main issue.
25. The main parties agree that the main part of the site outside the settlement boundary possesses no great sensitivity in terms of the quality of the wider landscape, including the nearby Cotswolds Area of Outstanding Natural Beauty. However, it is a pleasant green space, affording long views over the surrounding area. The site is now almost enclosed by the finger of earlier housing along Springhill Old Court, a cul-de-sac to the east, and the recent development to the west. Nevertheless, together with the open space provided for the new development which adjoins it on the western side, it provides a significant and pleasant green wedge or gap separating the older and new housing and contributing to the village-like character of Upper Cam. Although it does not prevent the coalescence of separate towns or villages, as such, it does help to retain visual and physical separation, as referred to in explanatory paragraph 6.9 to Policy CP15, between old and new parts of Cam. A number of public footpaths cross the site, so that it links the existing urban area, including the new development and open space, with the open countryside. Thus, it complements and enhances the adjacent open space, providing an attractive transition between the urban area and the countryside. The 13 dwellings proposed for the main part of the site would have a tangible, negative effect on the site's role as a pleasant, green gap and transition between town and country, indicating a further degree of conflict with Policy CP15.
26. Both main parties agree that the site occupies a sustainable location on the edge of Cam, although some local residents sought to convince me that it was too distant from various facilities and services to be sustainable. Cam and Dursley, together, form a sprawling settlement, with shopping centres, schools, other facilities and employment areas in a number of separate locations. In

⁷ Paragraph 24 of the decision

view of the appeal site's edge of town location and the impact on walking and cycling of the hilly terrain, I acknowledge that it is not particularly conveniently located. However, there is a bus service, footpaths and good quality urban roads connecting it to the rest of the town. Therefore, I consider that the location must be considered sustainable in terms of access to local services.

27. The proposed development would provide some public benefits in the form of a modest amount of market and affordable housing which would contribute to the aim of Policy CP2 to accommodate at least 11,400 additional dwellings and to the need for affordable housing set out in SDLP Policy CP9. It would also contribute to the Framework's core planning principle⁸ to meet the housing needs of the area and aim to boost significantly the supply of housing⁹. Limited benefits of short-term employment and investment and the potential contribution of occupants to the social life of the area are also relevant to the economic and social strands of sustainable development. Overall, these are important considerations weighing in favour of the appeal. The proposed contribution to off-site open space provision carries neutral weight as it would make good a requirement which would not be provided within the development.
28. To conclude on the first main issue, the proposal, comprising development of a green gap outside the settlement development limit, would be contrary to the SDLP settlement strategy, as expressed in Policies CP2, CP3 and CP15. Consequently, it would not represent change for the better in terms of the third, environmental, strand of sustainable development. Although the location is sustainable in terms of access to services, it follows that, considered in the round, the proposal would not constitute sustainable development and the presumption in favour of sustainable development, set out in Policy CP1 and the Framework, would not apply. Although benefits, primarily in terms of housing provision, would arise, they would not outweigh the harm indicated by the conflict with the development plan and the Framework.

Highway safety

29. Access to the proposed development would be via a new access road from Church Road, at a point some 35 metres from its T-junction with Springhill and Hopton Road. The right of way at that junction follows Church Road round a sharp 90 degree bend into Hopton Road. A very short, narrow lane links Springhill and Church Road, forming an island site containing a cottage. An existing bus shelter and other street furniture at the point of access would need to be slightly relocated. The roads in the immediate vicinity of the site access vary in width and alignment, pavements are narrow and discontinuous, there are numerous private accesses and some buildings abut the edge of the carriageway. The roads' character is more akin to a rural village than an urban or suburban location.
30. Church Road connects the neighbourhood of Upper Cam with the A4135 and the larger part of the urban area of Cam and Dursley. Hopton Road roughly follows the outer edge of the settlement, where Cam Hopton Primary School and a nursery school are situated. Springhill leads out into open countryside. Traffic counts carried out by the appellants' transport consultants and local residents do not differ significantly in their recording of flows at different times

⁸ Paragraph 17

⁹ Paragraph 47

and days of the week. The Highway Authority and the Council do not dispute the technical validity of the appellants' survey. I have also been provided with much photographic and DVD evidence and first-hand testimony. The evidence indicates that, generally, traffic volumes along Church Road and through its junction with Hopton Road and Springhill are low to moderate. However, in addition to the weekday morning and evening peak times, traffic is somewhat heavier in mid-afternoons, at the end of the school day.

31. All parties acknowledge that parking on narrow sections of Church Road and Hopton Road, in particular, sometimes causes congestion. The appellants' transport consultant and the Highway Authority describe the problem as transient. Most dwellings appear to have some off-street parking available, although I accept that provision varies. At the time of my site visit, during a weekday mid-afternoon at the end of the school day, there was very little on-street parking to be seen. However, the Council's transport consultant considers that the appellant underplays the existing parking problems and it is clearly a major matter of concern to residents. Photographic and DVD evidence leaves me in no doubt that, on occasions, heavy on-street parking takes place along the north side of Church Road and along Hopton Road. I heard that this is usually associated with services and other occasional events at the two churches nearby.
32. Nor do I doubt that when such on-street parking coincides with peak traffic flows, the fairly narrow roads and the existing junction experience acute localised congestion, resulting in vehicles, including occasional buses, backing-up or mounting soft verges or pavements, thereby creating difficulty and risk for pedestrians, including children and elderly people. Officially recorded accidents have been very few but, as drivers and pedestrians negotiate the restricted highway, residents perceive numerous near misses, causing understandable concern.
33. In the light of the appellants' speed survey, the Highway Authority and the Council's consultant accept that the geometry and width of the proposed access, together with the achievable sight lines and visibility splays, would be adequate and would comply with the *Gloucester Manual for Streets* and with the national *Manual for Streets 2*. They also agree with the proposal to realign the short lane linking Church Lane and Springhill to connect with the proposed new access road and to reposition the bus shelter adjacent to the bell-mouth. I have considered the concerns expressed by residents but I have been given no strong evidence to counter the technical evidence relating to those matters.
34. The Highway Authority and the Council's consultant consider that, as parking on this section of Church Road, when it does occur, tends to take place on the north side, it would not physically impede most vehicles entering or leaving the new access or unduly obscure drivers' or pedestrians' lines of sight. But an Auto Track Assessment carried out for the Council identified a potential conflict between large vehicles, such as refuse or delivery vehicles, and parked cars and pavements when turning. In my view, such conflict would pose a tangible risk to highway safety which would be unlikely to be mitigated by voluntary behaviour alone. However, the main parties broadly agree that a scheme of mitigation could be devised to overcome the problem. I accept that such a solution could be secured by a 'Grampian' style condition to prevent commencement of development unless an acceptable solution was agreed and certain of implementation. Given that some additional parking spaces would be

available along the access road to the development and that parking at the proposed dwellings would be adequately provided for, the displacement of a few parking spaces on Church Road would not be likely to cause undue harm to the safety or convenience of highway users.

35. The appellants' technical forecast of likely traffic generation by the proposed development is not disputed by the Council or Highway Authority and, despite residents' scepticism, I accept that it provides a reasonable estimate. Even if, as residents contend, the very small proportion of development traffic forecast to turn east onto Church Road is an under-estimate, a threefold increase would only amount to a handful of vehicles at peak times and would not add significantly to congestion or risk to highway safety at the three-way junction, despite its shortcomings.
36. Overall, therefore, I conclude on the second main issue, that taking account of existing shortcomings regarding parking, highway layout and occasional congestion, the cumulative impact of additional traffic generated by the proposed development would not be severe or add unduly to them. Consequently, the proposal would not result in undue additional risk to highway safety. The proposed scheme's layout, access and parking arrangements would be appropriate to the site and surroundings as required by SDLP Policy HC1(9) and the second bullet point of paragraph 32 of the Framework.

Other Matters

37. Had I been minded to allow the appeal, it would have been necessary to examine the submitted Unilateral Undertaking against the relevant statutory and policy tests. Under the circumstances, such an examination is not necessary.
38. I have taken account of the various other concerns raised by third parties but none of them leads me to reach a different conclusion in this case.

Planning Balance and Overall Conclusion

39. I have found that the proposed development would conflict with the relevant SDLP policies which set out the District's development strategy. Overall, and taking the development plan and Framework as a whole, the public benefits which would arise from the scheme do not outweigh the harm from the fundamental conflict with an important principle of the SDLP. The absence of unacceptable harm to highway safety carries neutral weight in the overall balance. There are no other material considerations which strongly indicate that permission should be granted in this instance. Therefore, for the reasons set out above, and having taken all relevant matters into consideration, I conclude that the appeal should be dismissed.

Nicholas Taylor

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Simon Chambers BSc (Hons) MT MRTPI	LPC (Tull) Ltd
Mark Baker BSc (Hons) CEng MICE FCILT	MBC

FOR THE LOCAL PLANNING AUTHORITY:

Jamie Cooper	Principal Appeals Planner
Luke Craddy	WYG

THIRD PARTIES

Glyn Evans	Local resident
Janice Evans	Local resident
Grace Mizen	Local resident
Keith Scott	Local resident
Moira Woodward	Local resident
Derek Long	Local resident

DOCUMENTS SUBMITTED AT THE HEARING

Extract of map showing the Settlement development limit for Cam and Dursley.

Extract from Inspector's report on the Examination of the Stroud District Local Plan

Potential condition suggested by Keith Scott