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## Appeal Decision

Site visit made on 27 June 2017

by **Richard S Jones BA (Hons) BTP MRTPI**

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

Decision date: 20 July 2017

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**Appeal Ref: APP/F1610/W/17/3171201**

**Land south of Gloucester Road, Andoversford**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Dr Charles Levinson against the decision of Cotswold District Council.
  - The application Ref 16/03127/OUT, dated 1 August 2016, was refused by notice dated 19 December 2016.
  - The development proposed is an outline planning application for residential development (up to 16 dwellings) all matters reserved except access.
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### Decision

1. The appeal is dismissed.

### Preliminary matters

2. The application was made in outline with matters relating to appearance, landscaping, layout and scale reserved for future consideration. I have determined the appeal on the same basis and have treated the drawings showing layout and elevational treatment as indicative only.

### Main Issue

3. The main issue is the effect of the proposal on the character and appearance of site and its surroundings, having particular regard to its location within the Cotswolds Area of Outstanding Natural Beauty (AONB).

### Reasons

4. The appeal site runs across the width of the top end of two agricultural fields on the southern side of Gloucester Road and to the south west of the centre of the village of Andoverford, within the Cotswolds AONB. The frontage to the road comprises hedgerow and trees. Mature hedgerows also bound the western side of the site and separate the main larger field from the smaller field to the east. Both fields are open to the rear and there are no physical features which define the southern extent of the site. A public right of way (PRoW) is located to east of the site and runs north south along a tree-lined driveway to Owdeswell Manor.
  5. The appellant's Landscape Character and Visual Assessment (LCVA) Zone of Primary Visibility shows visibility restricted to within approximately 500m of the site during the winter. Beyond 500m the LCVA concludes that receptors will not experience a material change in their views. I agree. The rooftops of the
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- dwellings may be seen beyond intervening vegetation, but it would not create a significant new focus in the view for the distances involved.
6. Within approximately 500m, the interior of the main part of the site is screened from viewpoint 3 (to the south east of the site along the PRow) by the existing hedgerow that separates it from the narrower field. However, once built upon, the upper parts of the dwellings would be visible. Even though the proposed development would not extend materially further west than the existing development at Crossfields, the Crossfields development is not readily visible in this view or within the main application field in the summer months, due primarily to screening provided by the trees and hedgerow across the appeal site frontage. LCVA photo viewpoint 3 demonstrates that some aspects of the existing settlement would be visible during the winter months, although this would be generally limited.
  7. The development would therefore introduce built form where not presently exists and which would be visible above the hedgerow from viewpoint 3. In doing so it would result in material harm to the existing view of open fields, hedgerow and of the trees to the site frontage beyond. Indeed, the LCVA acknowledges that part of the view will change completely contributing to a major/moderate adverse change to visual amenity in the short term. The proposal would also be visible in views moving in a northerly direction along the PRow towards Gloucester Road.
  8. I have carefully considered the appellant's landscape masterplan, including the intention to provide a core belt of advanced growth trees as part of a landscaping buffer along the southern extent of the site. Whilst in this regard I accept that a softening of the view would occur after five years, many more years would be required to provide effective mitigation and screening and to realise significant landscape benefits. In the meantime the proposal would result in material harm to visual amenity.
  9. Beyond the access to the manor and the relatively small gap thereafter, development on the southern side of Gloucester Road is limited to two dwellings and the BT exchange building. The appeal site is situated beyond these existing buildings and in the first instance presents a low enclosure to the road such that the undeveloped agricultural field behind is visible. By this point the character on the southern side of the road is rural and the perception is of leaving the village. Little of the undeveloped agricultural field to the main part of the appeal site is seen from Gloucester Road due to the existing hedge screening. Although this may have suffered recent storm damage, it remains an important visual feature and its present unmanaged appearance positively contributes to the rural setting of the village. This stretch of frontage does not therefore rely on built development for enhancement.
  10. I acknowledge that it is intended to provide high quality vernacular design dwellings and that a comprehensive landscaping strategy is proposed which in the longer term would provide an attractive setting to the development. I also acknowledge that matters, other than access, are reserved for future consideration. Nevertheless, it is inevitable that the removal of the hedgerow fronting the road and the erection of 16 dwellings and associated development, including access roads, would introduce significant built form into the site where none presently exists. Along with the associated domesticating features, the proposal would fundamentally change the character and appearance of the

site and result in encroachment into the countryside from the edge of the existing built form, thereby eroding the rural character of the southern side of Gloucester Road.

11. The effect would be mitigated to a point by the existing dwellings on the northern side of the road but these have a limited visual influence westwards beyond the Crossfields junction due to the mature hedgerow screening to Gloucester Road, particularly during the summer months. Beyond this point there are limited urbanising influences directly onto the road. This acts to largely constrain the visual footprint of the village when viewed from this location. I do not therefore find that the approach to the village along Gloucester Road is dominated by the development at Crossfields to the extent suggested.
12. Consequently, by extending the existing, limited linear development fronting onto the southern side of the road, the appeal proposal would much more conspicuously announce the presence of built development beyond the Crossfields junction and in doing so would create a level of suburbanisation in this approach to the village which would be substantially greater than existing. The proposed development would not therefore act to visually counterbalance the existing development on the northern side of the road and would not result in an enhanced approach into Andoversford. For these reasons I find that the moderate/minor adverse effects predicted to visual amenity in the LCVA from viewpoint 1 along Gloucester Road, are somewhat understated.
13. The parties confirm that the site falls within the 'High Wold' landscape character area which is further refined more locally as the 'Cotswolds High Wold Plateau' (CHWP) landscape character area. However, the site has limited representativeness of the CHWP being located away from the higher upland plateau areas where there is a greater sense of scale and openness. Nevertheless, the site does fall within an intensive managed agricultural landscape and remains an intrinsic part of the AONB where the existing undeveloped nature of the open fields bound by hedgerows provides an attractive rural setting to the village. Consequently, the introduction of 16 dwellings in this location would adversely affect the landscape setting of the village.
14. In terms of the perceptual and sensory character of the landscape, the LCVA acknowledges that in the short term a very high magnitude of change would result in a major/moderate adverse level of effect. I agree. Whilst this will reduce in the longer term, the LCVA states that the residual level of effect would be moderate adverse. In perceptual terms I note the intention is to provide high quality, low density housing, however, for the reasons I have explained, I do not consider the baseline characteristics of the Crossfields development in particular to be a detracting factor of the extent suggested by the appellant and the LCVA. Moreover, even if Crossfields is poorly positioned in landscape terms, this does not in itself justify further harmful development.
15. The appellant's Heritage Assessment also identifies that three grade II listed buildings have the potential to be affected in terms of their setting. These are Owdeswell Manor House and its barn, located approximately 400m to the south east of the site, and the Mount, a dwelling located approximately 100m to the north east on the opposite side of Gloucester Road. For such matters, paragraph 132 of the National Planning Policy Framework (the Framework)

makes clear that great weight should be given to the conservation of designated heritage assets, and to their setting.

16. Given the separation and positioning of the Manor House and its barn set back within a hollow as well as the level of enclosure provided by the existing trees and the adjacent agricultural sheds, I do not find that the proposal would materially affect their setting, including their northern approach. The Mount faces directly onto Gloucester Road and its historic setting has already been compromised by existing surrounding development. Given its physical relationship with the proposed dwellings, no additional material harm would arise to its setting.
17. Nevertheless, I conclude that the proposal would result in significant harm to the character and appearance of the site and surroundings and in doing so would fail to conserve the landscape and scenic beauty of the AONB. This would be contrary to paragraphs 109 and 115 of the Framework, which state, amongst other matters that great weight should be given to conserving landscape and scenic beauty in AONB's, which have the highest status of protection in respect of the same.

### **Planning balance**

18. The site is located outside a Development Boundary as designated in the Cotswold District Local Plan (LP). LP Policy 19 covers development outside development boundaries. Although the Council's position is that it can demonstrate a robust five-year supply of deliverable housing sites, it acknowledges that Policy 19 is out-of-date and that the tests set out in paragraph 14 of the Framework are applicable. For decision-taking, this means granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.
19. Footnote 9 of the Framework makes clear that this second exception includes policies relating to land designated as AONB, in other words those set out in paragraphs 109 and 115. I have concluded above that the development would be contrary to these policies. The two exceptions to the default position of granting permission are expressed in the alternative: they are 'either or' exceptions; it is not necessary to demonstrate compliance with both. The second exception clearly applies here.
20. Paragraphs 6, 7 and 8 of the Framework indicate that purpose of the planning system is to contribute to the achievement of sustainable development, with sustainable development having three roles, economic, social and environmental. None of these roles should be undertaken in isolation because they are mutually dependent.
21. Dealing firstly with the social dimension, by delivering new market and affordable housing, the appeal proposal would be consistent with paragraphs 47 and 50 of the Framework which seek to boost the supply of housing and deliver a wide choice of homes. The affordable housing would be secured by way of a Section 106 Obligation and I note that the Council's committee report confirms that the 50% provision would accord with LP Policy 21. On this basis I am satisfied that the obligation would accord with the provisions of Regulation

- 122 of the Community Infrastructure Levy Regulations 2010 and the tests for planning obligations set out in the Framework.
22. Even if the five-year housing land supply figure is met, the Framework does not suggest that this has be regarded as a ceiling or upper limit on permissions. Nevertheless, whilst the boost to housing constitutes a notable benefit of the proposal, it must be viewed in the context of the existence of a five-year land supply and the likelihood that other sites within the supply will help to meet the needs for affordable and market housing. Moreover, I note that the village offers a range of services and facilities which can meet the day to day needs of the community as well as good public transport links to the urban area of Cheltenham. I do not find that it is an unsustainable location for new housing development and a proposal for 16 houses would also make a material contribution to the vitality of this community. I also note that an area of open space could be provided as part of the scheme.
23. I have noted the education contribution contained within the Section 106 Planning Obligation but on the basis of the information before me, I cannot be certain that that such a payment would not be used to fund infrastructure and as such would not be subject to the Community Infrastructure Levy Regulation 123 pooling restrictions. I cannot therefore be sure that I can lawfully take this aspect of the obligation into account in my decision. In any case, for the above reasons, I find that the proposal would meet the social dimension of sustainable development.
24. There would also be an economic benefit proportionate to its size in terms of construction jobs on the site and the additional spending power of the completed scheme's residents and the attendant multiplier effects on Andoversford's economy. The proposal would therefore also meet the economic dimension of sustainable development.
25. In terms of the environmental dimension, I note that the Council concludes that the proposal would not represent major development in the AONB. Taking into account the proposal in question and local context, I find no reason to take a contrary position. Nevertheless, I have found that the proposal would result in significant harm to the AONB and the Framework is clear that great weight should be given to conserving the landscape and scenic beauty of the same, irrespective of whether the policy in paragraph 116 is applicable. This harm to the environment outweighs the benefits set out above as well as the potential biodiversity benefits. The proposal does not therefore represent sustainable development.

### **Conclusion**

26. I acknowledge that the application was reported to the Council's Planning Committee with a recommendation of approval and that no objections, subject to conditions, were received from its technical consultees, including its landscape officer. However, I have found that the Council has been able to substantiate its reason for refusal, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

*Richard S Jones*

INSPECTOR