



Appeal Decision

Site visit made on 17 July 2017

by David Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTPI

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

Decision date: 15 August 2017

Appeal Ref: APP/G1630/W/17/3167141

Land at Trumans Farm, Manor Lane, Gotherington, Cheltenham, GL52 9QX

- 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 Lioncourt Strategic Land against the decision of Tewkesbury Borough Council.
 - The application Ref 16/00539/OUT, dated 16 May 2016, was refused by notice dated 22 November 2016.
 - The development proposed is described on the application form as an "outline application with all matters reserved except for access for the development of up to 75 dwellings (inc 30 affordable homes) including access, landscaping and other associated works".
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Decision

1. The appeal is dismissed.

Preliminary matters

2. Notwithstanding the description of development set out in the banner heading above, discussions had taken place between the appellant and the Council such that by the time this proposal was considered by the Council at Committee, it had been amended to be for up to 65 dwellings. Moreover, further discussions have taken place, regarding the provision of affordable housing, with the appellant now intending to provide half of the required 40% on-site, in the form of 13 dwellings, with a financial contribution to allow the remaining 20% to be provided off-site.
3. As a result the appellant has clarified that the description of development should be an "outline application with all matters reserved except for access for the development of up to 65 dwellings (inc 13 affordable homes and a 20% off-site affordable housing contribution)". I have determined the appeal on this basis. I have also had regard to an indicative site layout plan in coming to my decision.
4. At the time the Council refused planning permission for this proposal it was unable to demonstrate a 5 year supply of deliverable housing land, as required by the National Planning Policy Framework ("the Framework"). However, circumstances have changed and, as is set out in the Statement of Common Ground (SOCG), the Council is now able to demonstrate such a 5 year housing land supply (HLS). This is not contested by the appellant.
5. The Council refused planning permission for a total of 6 reasons, with reasons 2 to 6 all relating to the absence of an appropriate planning obligation dealing with such matters as affordable housing; on or off-site sporting facilities; education, library and community infrastructure; ecological management measures; and the

long-term management of off-site drainage infrastructure. Such matters have, however, now been addressed by the submission of 2 planning obligations made under Section 106 (S106) of the Town and Country Planning Act 1990, as amended. The Council is content that these obligations address all its concerns in these regards. Accordingly, I do not consider these matters to be main issues in this appeal, although I do discuss them briefly, later in this decision.

Site description, surrounding area and details of the appeal proposal

6. The appeal site comprises some 4.15 hectares of relatively low-lying agricultural land that rises to the south-east. It is located at the eastern end of Gotherington, adjacent to but outside the current settlement boundary. The northern boundary comprises hedging and a few trees which line the southern side of Gretton Road. Hedging and scattered trees also form the eastern boundary, whilst the rear gardens of existing residential development in Manor Lane abut the site to the west. Farm buildings associated with Trumans Farm lie to the south, with the embankment of the Gloucestershire Warwickshire heritage railway line forming the south-eastern boundary. The site lies within a locally designated Special Landscape Area (SLA), with the Cotswold Area of Outstanding Natural Beauty (AONB) covering extensive areas to the north, east and south, beyond the SLA.
7. Under the appeal proposal the site would be developed with up to 65 dwellings, comprising a range of types and size of unit, to include 13 on-site affordable homes, together with a financial contribution towards off-site affordable housing. The proposed development would be accessed from the north by means of a new priority junction with Gretton Road and would provide traffic management measures along Gretton Road itself. A new pedestrian access would be provided at the site entrance, linking the development to the existing village, and footways and pedestrian routes would also be incorporated into the layout design.
8. The existing vegetation along the boundaries of the site would be largely retained and enhanced with a perimeter green area proposed along the eastern and south-eastern boundaries, extending into the centre of the site. A sustainable urban drainage system would be provided, with a water attenuation feature proposed for the north-eastern corner of the site.

Main issues

9. In light of the above points I consider the main issues to be the effect of the proposed development, firstly, on the character and appearance of the surrounding area; and secondly, on the vitality and social well-being of Gotherington.

Reasons

10. Before turning to consider the main issues, I look first at the relevant planning policy framework against which this proposal needs to be assessed, and the weight to be given to housing and landscape policies in view of the Council's changed position regarding HLS.

Planning policy and guidance

11. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. One such material consideration is the Framework, which comes into play when development plan

policies are not consistent with the Framework's provisions. I therefore summarise the national planning policy context first, before turning to look at relevant adopted and emerging development plan policies.

The Framework

12. Paragraph 14 explains that there is a presumption in favour of sustainable development at the heart of the Framework, which should be seen as a golden thread running through both plan-making and decision-taking. It indicates that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole; or unless specific policies in the Framework indicate that development should be restricted.
13. Of particular relevance are Framework paragraphs 47, 49, 215 and 216. Paragraph 47 sets out what local planning authorities should do to boost significantly the supply of housing, whilst paragraph 49 indicates that relevant policies for the supply of housing should not be considered up to date if the Council is unable to demonstrate a 5 year supply of deliverable housing sites.
14. Paragraph 215 explains that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework, with paragraph 216 making similar points with regards to emerging plans. In both cases, the closer the policies in the plan are to the policies in the Framework, the greater the weight that may be given to them.

The adopted development plan and emerging plans

15. The development plan comprises the saved policies of the Tewkesbury Borough Local Plan (TBLP), which was adopted in 2006 and was intended to guide development up to 2011. Although it is clearly time-expired it remains the development plan for the Borough. Having regard to paragraph 215 of the Framework, it is therefore necessary to give due weight to relevant saved policies according to their degree of consistency with the Framework.
16. As the appeal site lies outside the current settlement boundary, the parties agree in the SOCG that the proposed development is in conflict with TBLP Policy HOU4 which indicates that outside settlement boundaries new residential development will only be permitted for certain, specified purposes, none of which apply in this case. The Council points out that in these circumstances the proposed development would also be at odds with TBLP Policy HOU3 which, amongst other things, restricts new housing development in Gotherington to small, infill proposals. Whilst this policy is not specifically referred to in the SOCG, it is clear that a conflict with this policy would also arise.
17. HOU3 and HOU4 are policies for the supply of housing and, in accordance with paragraph 49 of the Framework the Council did not consider them up to date when it refused planning permission, as it was unable to demonstrate a 5 year supply of deliverable housing sites at that time. Accordingly, these policies did not form part of the Council's reasons for refusal. However, as noted above, circumstances have changed, and since March 2017 the Council has been able to demonstrate a 5 year HLS, a point not disputed by the appellant. Because of this, the Council argues that these policies should no longer be regarded as out of date, but rather should be given substantial weight in this appeal.

18. In contrast, the appellant maintains that as Policy HOU4 relates to a time-expired development plan, and is based on what are now out-of-date strategic housing policies contained in the Gloucestershire Structure Plan Second Review adopted in 1999, and the now revoked South West of England Regional Spatial Strategy, it should not be considered up to date. In support of this view the appellant makes reference to a recent Supreme Court Judgement¹, and particularly its comment that *"if the policies for the supply of housing are not to be considered as being up to date, they retain their statutory force, but the focus shifts to other material considerations. That is the point at which the wider view of the development plan policies has to be taken."*
19. With these points in mind the appellant argues that whilst Policy HOU4 remains part of the adopted development plan, only limited weight should be attributed to it, in light of this Supreme Court Judgement, and that this limited weight should be taken into account in the overall planning balance.
20. I acknowledge that the situation is somewhat complicated in this case, as the Council has no up to date development plan. There is, however, an emerging Joint Core Strategy (JCS) which the Council is preparing together with Gloucester City Council and Cheltenham Borough Council. This was submitted to the Secretary of State in November 2014 and has now reached a Main Modifications² stage, taking on board the recommendations made by the Inspector in an Interim Report published in May 2016, following hearing sessions in 2015 and 2016. I understand that consultation on this JCSPMM version took place from February to April 2017, with further hearing sessions scheduled for the summer of 2017 and a final report from the Inspector expected around the autumn of 2017.
21. The JCSPMM version sets out a housing requirement for the Council's area of 9,899 dwellings from 2011 to 2031, through emerging Policy SP1, with the Council explaining that this requirement consists of the demographic objectively assessed need, plus an uplift for economic growth and a further 5% uplift to boost the supply of housing. Over the 20 year plan period this housing requirement equates to the need for 495 dwellings per year which, over a 5 year period, amounts to 2,577 dwellings with a 5% buffer, and 2,945 dwellings with a 20% buffer. The Council considers this to be the most up to date and robust figure on which to base the 5 year HLS calculation and there is no firm, contrary evidence before me to cause me to take a different view.
22. The Council's March 2017 HLS Statement indicates that the Council can demonstrate a total deliverable supply of 3,079 dwellings over the 5 year period 2016/17 to 2020/21, which equates to a 5.97 year supply with a 5% buffer, and a 5.22 year supply if a 20% buffer is applied. Again, no firm contrary evidence has been submitted to contradict these figures. I do acknowledge, of course, that the JCS has not yet been found sound, and I further understand that the housing requirement has to be seen as a minimum figure.
23. In this regard the SOCG makes it clear that there is agreement between the parties that there are few previously developed sites available in the Borough, and that greenfield sites will need to be released in order to achieve the Council's housing targets. It is also agreed that the HLS is a rolling calculation and that the Council must ensure that sufficient sites are granted planning permission to meet

¹ Hopkins Homes v Suffolk Coastal District Council and Richborough Estates v Cheshire East Borough Council (2017) UKSC 37

² Joint Core Strategy Proposed Main Modifications - 2017 (JCSPMM)

the ongoing need for housing in the Borough. However, in view of the relatively advanced stage of preparation of the JCS, I consider that a fairly high degree of weight can be given to the Council's claim that it can demonstrate a 5 year HLS.

24. I have also noted, from the Council's March 2017 HLS Statement, that annual housing completions for each of the 3 years from 2013/14 to 2015/16 exceeded the JCS requirement, with completions in the last 2 of these years exceeding this requirement quite significantly. This indicates to me that although the TBLP housing policies were formulated in a different policy context, they still appear to be continuing to make adequate provision for housing, in accordance with the objectives of paragraph 47 of the Framework. Accordingly, I share the Council's view that substantial weight can be given to TBLP Policy HOU4 in this appeal.
25. The Council's first reason for refusal also alleges that the proposed development would conflict with TBLP Policy LND2, which deals with the SLA. This policy explains that in the assessment of proposals for development, special attention will be accorded to the protection and enhancement of the landscape character of the SLA. Within the SLA, proposals must demonstrate that they do not adversely affect the quality of the natural and built environment, its visual attractiveness, wildlife and ecology, or detract from the quiet enjoyment of the countryside.
26. The policy's supporting text explains that the identification of the SLA aims to protect the foreground setting of the AONB where the topography of the area is a continuation of the adjacent AONB and/or where the vegetation and associated features are characteristic of the AONB. It goes on to state that the SLA is of a high landscape quality that is worthy of protection in its own right, but that it also protects the setting of the nationally designated AONB.
27. Some aspects of this policy reflect the general thrust of Section 11 of the Framework, dealing with conserving and enhancing the natural environment. However, the policy is not fully consistent with the Framework as it refers to adverse effects in quite absolute terms and does not allow for any countervailing benefits of the development in question to be weighed in the planning balance. Overall, having regard to paragraph 215 of the Framework, I consider that this policy should attract moderate weight in this appeal.
28. No other TBLP policies are referred to in the Council's first reason for refusal, although the proposed development is alleged to be contrary to emerging JCS Policies SD7 and SD8. Amongst other things, the first of these requires development proposals to consider the landscape and visual sensitivity of the area in which they are to be located, or which they may affect; and demonstrate how the development will protect or enhance landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement or area. The Council has indicated that this policy is not subject to unresolved objections or modification and I consider it consistent with the Framework. It therefore carries a reasonable amount of weight in this appeal.
29. Policy SD8, as proposed to be modified in the JCSPMM version, requires all development proposals within the setting of the Cotswolds AONB to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities. Again, I consider this policy to be consistent with the Framework, and to carry reasonable weight in this appeal.

30. In addition to the JCS, the Council is also preparing the Tewkesbury Local Plan (TLP), which will provide specific policies and site allocations for the Tewkesbury Borough area. However, the parties agree in the SOCG that this emerging plan is only at a very early stage, and can therefore carry no weight in this appeal.
31. The emerging Gotherington Neighbourhood Development Plan (GNDP) does, however, carry weight in this appeal. The GNDP has completed its examination stage (the Examiner's Report was published on 6 April 2017) and, subject to a number of recommended modifications being made, the Examiner confirmed that it meets the basic conditions relevant to neighbourhood plans and may therefore proceed to referendum. A date of 20 July 2017 was set for this referendum, a few days after the date of my site visit, and the Council has indicated that it resulted in more than half of those voting being in favour of the Council using the GNDP to help it decide planning applications in the Neighbourhood Area.
32. A number of policies have been drawn to my attention as being relevant to this appeal. Policy GNDP2 identifies 3 sites for housing outside the currently defined settlement boundary, including 1 site for 10 dwellings to the north of Gretton Road, opposite the appeal site. I understand that 2 of the 3 sites already have Council resolutions to permit development, amounting to some 60 dwellings. The policy goes on to set out the criteria against which proposals to meet additional housing need, identified in future development plans, will be assessed. The Council points out that no such need, over and above that to be met by the aforementioned 3 sites, is currently identified.
33. Policy GNDP3 sets out a limited number of circumstances in which new housing development in the open countryside will be permitted, and the recommended modifications add to this list the situation where evidenced need for additional housing has been established through the development plan, and cannot be met within the defined settlement boundary. Again, this criterion is not satisfied by the appeal proposal. I note that this same, new criterion also appears in Policy GNDP11, as recommended to be modified, making this policy also relevant in this appeal. In addition, Policy GNDP9 seeks to protect and enhance the local landscape, whilst Policy GNDP10 aims to protect locally significant views. With the recommended modifications I consider these policies to be consistent with the requirements of the Framework.
34. In view of the very advanced stage of preparation of the GNDP, I consider that all of the aforementioned GNDP policies should carry significant weight in the determination of this appeal.

Main issue 1 – the effect on character and appearance

35. The submitted evidence includes details of a Landscape and Visual Sensitivity Study (LVSS) undertaken for the Council in November 2014. This looked at Rural Service Centres and Service Villages and sought to identify locations within these rural parts of the Borough where new development could possibly be accommodated. At the time this study was undertaken the Service Villages, including Gotherington, were anticipated to need to accommodate some 750 new homes over the period covered by the emerging JCS, although I understand that this figure has been increased to 880 dwellings in the JCSPMM version of the plan.
36. For Gotherington this study identified 6 parcels of land where some development could possibly be accommodated, including "Goth-05", an area lying adjacent to but outside the current eastern boundary of the village, which includes the appeal

site. I note that in the LVSS this area was considered to have medium landscape sensitivity to new development, and also medium visual sensitivity to new development, with the character of the western part of the overall area being influenced, to an extent, by the settlement edge.

37. With these points in mind I acknowledge that the amended, illustrative layout plan indicates an intention to have a fairly wide area of landscaping along the eastern and south-eastern boundaries of the site, extending in towards the centre of the site, with some of these features responding to comments and criticisms made by the Council's Landscape Consultant (LC). However, I saw that whilst current development at Gretton Road, Manor Lane and at Trumans Farm does have a bearing on the character of the western edge of the appeal site, this "urban edge" influence drops off rapidly to the east and south-east where the SLA narrows and where there is closer proximity to the AONB.
38. The Council's first reason for refusal alleges that the proposed development would have an urban character and that because of the site's prominent, open location it would result in a significant encroachment into the surrounding rural landscape, and that this would be unsympathetic to the settlement edge of the village. As such the Council contends that the proposal would have a harmful impact on the character and appearance of the landscape within a SLA which serves to protect the foreground setting of the adjacent AONB.
39. I have noted the appellant's comments that the Council's appeal statement is not supported by evidence of what harm the appeal proposal would cause to the landscape, but rather that it relies on generalised statements in respect of encroachment and the "unsympathetic" nature of the edge. However, whilst I acknowledge that the appellant's Landscape and Visual Assessment was produced having regard to the "Guidelines for Landscape and Visual Impact Assessment, Third Edition"³, this latter document notes that whilst there is some scope for quantitative measurement of some relatively objective matters, much of the landscape and visual impact assessment must rely on qualitative judgements.
40. Although the judgements of landscape professionals are very important in this process, they are not necessarily the sole and deciding arbiters in such matters. The Council's Planning Officer and its LC both considered that the amended proposal would have an acceptable impact on the SLA and the setting of the AONB. That said, the Officer's report to Committee nevertheless recognised that the appeal proposal would result in some landscape harm which would weigh against the proposal in the planning balance, although this was not considered to be significant or demonstrable in Framework terms. However, this harm was clearly a matter of concern to Council Members.
41. In my assessment, by extending built development as far to the south-east as is suggested on the illustrative layout plan, the appeal proposal would result in an appreciable amount of new, urban development encroaching close to the Gloucestershire Warwickshire railway and the AONB, where currently there is only the sporadic, rural type development in the form of the Trumans Farm complex. Furthermore, by seeking to develop so close to the AONB, and by reducing the SLA to just a relatively thin sliver at this point, the proposed development would have a noticeable and harmful impact on the setting of the AONB as it would appear as an incongruous intrusion into this largely undeveloped edge-of-settlement location. The new housing would be clearly visible in views from

³ issued by the Landscape Institute and the Institute of Environmental Management & Assessment - 2013

footpaths and bridleways within the AONB, especially from such locations in the south-east which I visited at my site visit.

42. On these points I share the views of Council Members that the appeal proposal would encroach into the SLA which is already relatively narrow at this point and would significantly reduce the gap between the village and the AONB. Whilst I acknowledge that new planting is proposed, both within the site and to reinforce the vegetation along the site boundaries, in my opinion this would not serve to offset the harm I have just identified. The proposed development would also be at odds with the generally linear form of the existing village at its eastern end, and as is proposed to be continued by the 10 dwelling development put forward in the GNDP for the northern side of Gretton Road, opposite the appeal site.
43. The appellant argues that by removing the central "cluster" of development, which was raised as a specific concern by the Council's LC, this resolved the only landscape issue between the parties. However, my reading of the LC's comments is simply that he considered, as a matter of principle, that this site could accommodate development if it is consistent with the Council's LVSS, and if it respects the foreground setting of the AONB and elevated views from the AONB and the Gloucestershire Warwickshire railway. Clearly Council Members did not consider that the appeal proposal satisfied these points, and on the basis of my own observations, I, too, consider that appreciable landscape harm would be caused.
44. I see from the Minutes of the Committee Meeting that the fact that the Council could not, at that time, demonstrate a 5 year HLS was one of the points which the appellant's agent indicated weighed in favour of the appeal proposal. However, as the SOCG makes clear, circumstances have changed and the Council does now have a 5 year HLS. To my mind this is a significant change, which greatly increases the weight which can be given to the saved TBLP policies and the emerging GNDP policies in the overall planning balance.
45. Drawing these points together I conclude that the appeal proposal would have a harmful impact on the character and appearance of the surrounding area, and that it would therefore be at odds with saved TBLP Policy LND2 and emerging GNDP Policies GNDP9, GNDP10 and GNDP11. Development outside the settlement boundary also means that the appeal proposal would be in conflict with saved TBLP Policy HOU4.

Main issue 2 – the effect on the vitality and social well-being of Gotherington

46. The Framework makes it plain that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 7 explains that there are 3 dimensions to this – economic, social and environmental – and that these give rise to the need for the planning system to perform a number of mutually dependent roles. I explore how the appeal proposal would perform against the economic and environmental roles later in this decision, under the heading of "Other Matters", but under this second main issue I consider the appeal proposal in the light of the social role of sustainable development.
47. In this regard it is clear that the appeal proposal would bring some social benefits. The provision of up to 65 new dwellings would help the Council to maintain its rolling 5 year supply of housing, and would deliver 40% of affordable housing units on and off-site, in accordance with the requirements of the Council and the Parish Council. That said, any benefits arising from the provision of affordable

housing would not be exclusive to this site, but would arise from the provision of such housing anywhere within the Council's area.

48. The appellant maintains that the appeal site represents a good location for development, being well-located to the existing facilities within the village and close to other larger settlements, and points out that the proposed market dwellings would provide some much needed bungalows and would enable some people who wish to either upgrade or downgrade to stay within Gotherington. The appellant also argues that occupiers of the new dwellings would assist in supporting and sustaining the vitality of the local community and businesses.
49. It is, however, in the context of this last point that the Council has raised serious concerns about the appeal proposal. In particular, the Council argues that the proposed development of up to 65 new dwellings, when considered in addition to those already permitted in the village would, cumulatively, be of a scale disproportionate to the existing settlement. As such, the Council's first reason for refusal contends that the proposed development would fail to maintain or enhance the vitality of Gotherington and would have a harmful impact on the social well-being of the local community, thereby risking the erosion of community cohesion.
50. In support of this view the Council indicates that the 65 dwellings proposed through this appeal would result, on their own, in a 14% increase to the current size of Gotherington, stated to be some 463 dwellings. However the Council has also provided details of a further 86 dwellings which either have planning permission, or have a resolution to permit, subject to the completion of a S106 planning obligation. Together with the appeal proposal these approved dwellings would amount to an overall increase in the number of dwellings in the village of 33%, rising further, to 34%, if a planning permission was to be granted for the remaining housing development site proposed in the GNDP⁴.
51. On this point, the appellant has indicated that the appeal proposal would result in a somewhat lower cumulative increase in dwelling numbers of 27%, over and above those already existing in the village, but as the Council's figures appear to be more up to date I have used them in my assessment of this proposal.
52. I acknowledge that Gotherington is categorised as a Service Village in the emerging JCS, and that it is therefore expected to take a reasonable amount of development over the JCS plan period. Indeed, the submitted evidence indicates that it is the 4th largest Service Village in the Borough and is ranked 13th in the hierarchy of 65 rural settlements included in the Council's Rural Settlement Audit prepared in July 2015. Furthermore, I saw at my site visit that it has a number of local facilities, including a primary school, village store, post office, public house, village hall and sports club.
53. However, I have also had regard to the comments made by Gotherington Parish Council which, amongst other things, provides an analysis of how the village's facilities would cope with such an increased population. In summary, the Parish Council argues that existing facilities cannot easily be extended, and that the 84 new dwellings already approved for the village will be difficult to absorb.
54. I have noted the appellant's references to other appeal decisions elsewhere in the country where increases in dwelling stock well in excess of that proposed here have been approved, and I have also noted that dwelling number increases

⁴ Site GNDP 2/1 – proposed for 6 dwellings

ranging from 27% to 33% have already been permitted in other Service Villages within the Borough. But notwithstanding these points, it seems reasonable to me that in assessing an acceptable and appropriate population increase for the village, due regard should be given to both the emerging JCS and particularly the emerging GNDP.

55. The Council has drawn attention to the fact that the strategy for the distribution of new development across the JCS area is set out in emerging Policy SP2. This seeks to focus new development at Gloucester and Cheltenham, with Rural Service Centres and Service Villages intended to accommodate lower levels of development proportionate to their size and function, and also reflecting their proximity and accessibility to Cheltenham and Gloucester. As already noted, the identified Service Villages were originally required to accommodate about 750 new homes over the plan period, but this has been increased to 880 dwellings in the JCSPMM version of the plan.
56. To assist with this process, in 2015 the Council published an "Approach to Rural Sites Background Paper" (ARSBP) as part of the preparation of the TLP. I understand that in accordance with emerging JCS Policy SP2 the housing requirement for the Service Villages was disaggregated and apportioned to each settlement based on its size, functionality and accessibility to Cheltenham/Gloucester. For Gotherington this resulted in an indicative housing requirement of 71 dwellings, amounting to an increase of about 15% over the existing 463 houses, although this figure would need to increase slightly to reflect the aforementioned overall increased requirement from 750 to 880 dwellings.
57. I have already indicated that the TLP is at a very early stage of preparation and can carry no weight in this appeal. However, it does not automatically follow that no regard can be given to background information such as the ARSBP, especially as the relevant JCS policies do not appear to have changed materially in the latest JCSPMM version of the plan. With this in mind I share the Council's view that the ARSBP can be seen as providing an indication of the sort of housing numbers which would be appropriate for each Service Village. Furthermore, and notwithstanding the fact that the indicative requirement for Gotherington is likely to rise slightly above the 71 dwelling figure set out above, it is clear that the number of dwellings approved for the village to date has already exceeded this figure.
58. In addition, evidence submitted by the Council indicates that at the end of the 2016/2017 monitoring year⁵, 787 dwellings had been committed across the 12 Service Villages, leaving only 93 more dwellings to meet the 880 figure in the JCSPMM. As such, only a relatively small amount of additional housing needs to be apportioned amongst the Service Villages over the remaining 14 years of the JCS plan period. Again, I fully acknowledge that the JCS has not yet completed its statutory processes, but as it has reached a relatively advanced stage of preparation I consider that weight can be given to this matter.
59. Drawing these points together, and having particular regard to the housing allocation provision detailed in the GNDP, which also has reached a very advanced stage of preparation, I consider that the appeal proposal would result in a disproportionate housing increase for the village in what would be a relatively short space of time. Along with existing commitments/approvals it would result in

⁵ To 31 March 2017

an increase of up to 34% in the dwelling stock, which would be more than double the indicative 15% figure contained in the ARSBP.

60. Bearing in mind the concerns expressed by both the Council and the Parish Council on this matter, I am not persuaded that the appeal proposal would reflect the community's needs and support its health, social and cultural well-being, or contribute to supporting a strong, vibrant and healthy community, as set out in paragraph 7 of the Framework. On balance, I therefore conclude that the appeal proposal would have an adverse effect on the vitality and social well-being of Gotherington, with this failure to satisfy the social role of sustainable development carrying significant weight against the proposal.

Other matters

61. Under this heading, I first consider how the appeal proposal performs against the economic and environmental dimensions of sustainable development, as outlined in paragraph 7 of the Framework, and then move on to consider matters covered by the Council's other reasons for refusal, and those raised by interested persons.
62. The economic role. In economic terms, it is clear that a number of benefits would flow from this development, if permitted. These are set out in the appellant's Statement of Case and have not been disputed by the Council. Up to 65 new market and affordable dwellings would generate about 98 construction jobs during the construction period, and the new dwellings would house about 150 new residents with approximately 76 of these being economically active, adding to the labour force in the wider area and generating a gross annual income of about £1.8 million. The new residents would increase spending and general economic activity within the local area, supporting village businesses and nearby amenities. In addition, the Council would receive a New Homes Bonus which would amount to about £109,000 over a 6 year period.
63. These benefits would not be unique to this development, but would flow from any new housing development of this size within the Borough. However, this does not detract from the fact that the appeal proposal would give rise to these real benefits, and for this reason I consider that it should be regarded as satisfying the economic role of sustainable development. This weighs significantly in the appeal proposal's favour.
64. The environmental role. Paragraph 7 of the Framework indicates, amongst other things, that as part of the environmental role of sustainable development, the planning system needs to contribute to protecting and enhancing the natural, built and historic environment and, as part of this, help to improve biodiversity and use natural resources prudently. I have, however, considered these matters in detail under the first main issue, above, and notwithstanding the fact that the proposal would result in some enhancements to biodiversity, through the introduction of a new pond and generous green corridors, I consider that on balance the appeal proposal would have a harmful impact on the character and appearance of the surrounding area. As such it would fail to satisfy the environmental role of sustainable development and this weighs significantly against the appeal proposal.
65. Other Council reasons for refusal. As noted earlier, all but the first of the Council's reasons for refusal related to the absence of appropriate S106 planning obligations. However, subsequent to the refusal of planning permission the appellant has continued to discuss such matters and on 10 May 2017 it completed

a unilateral undertaking (UU) in favour of the Council, and on 12 May 2017 it entered into an agreement with Gloucestershire County Council.

66. The UU deals with matters of affordable housing, contributions towards community projects, play spaces and sporting purposes, and the setting up of a Management Company; whilst the S106 agreement deals with various contributions towards pre-school, primary and secondary education, as well as to libraries. The Council is content that these obligations address all the concerns raised in the reasons for refusal, and I am satisfied that they would accord with the requirements of Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010, and accord with paragraph 204 of the Framework. As such I have taken them into account in reaching my decision on this appeal.
67. Matters raised by interested persons. Local residents and the Parish Council and others have raised a number of concerns regarding this proposal, many of which I consider have been addressed through the SOCG prepared between the parties, or have been covered in the main issues above. Two matters which have not been addressed already, however, are highway concerns and concerns regarding flooding and drainage. On the first of these, I have noted the Parish Council's concerns on various matters of transport and road safety, set out in its Appeal Statement of 28 April 2017. However, on the basis of the latest plans I consider that satisfactory provision would be made for pedestrians and that there would be adequate visibility for drivers. Any outstanding matters concerning the detail of the proposed access could be addressed by the imposition of planning conditions, and overall these matters weigh neither for nor against the appeal proposal.
68. Insofar as drainage and flooding matters are concerned I note that the Lead Local Flood Authority (LLFA) at Gloucestershire County Council has been consulted on the proposal and that the appellant has provided a Surface Water Drainage Strategy which is acceptable to the LLFA. Because of this, and as other drainage matters could be satisfactorily addressed by conditions, I am satisfied that these matters should not weigh against the proposal.

Summary, planning balance and overall conclusion

69. In accordance with paragraph 49 of the Framework I have considered this proposal in the context of the presumption in favour of sustainable development. However, in this case the Council is able to demonstrate a 5 year supply of deliverable housing sites, as agreed in the SOCG, such that its policies for housing supply do not have to be considered to be out of date. As a result the "tilted balance" in the 2nd bullet point of the "decision-taking" section of paragraph 14 of the Framework is not automatically triggered.
70. That said, at the present time the adopted development plan only comprises the saved policies of the TBLP, which is time-expired, having an end date of 2011. I have therefore assessed the relevant saved policies against the policies in the Framework and have concluded that substantial weight can be accorded to Policy HOU4. To my mind this means, again, that the tilted balance referred to above is not triggered. However, as I have found that saved Policy LND2 is not fully consistent with the Framework it has to be considered out of date for the purposes of paragraph 14, and because of this I consider that the tilted balance has to come into play.
71. But on the basis of my assessment set out above, I consider that it is only the economic benefits which weigh in the appeal proposal's favour, carrying significant

weight. On the other side of the balance there are the adverse impacts arising from my findings on the 2 main issues, which lead to my conclusions that the proposed development would fail to satisfy the environmental and social roles of sustainable development, with significant adverse weight applying on both of these matters. In view of these points, I conclude that the adverse impacts of the appeal proposal would significantly and demonstrably outweigh the benefits, such that the proposal does not represent sustainable development. This is a material consideration which weighs against the proposed development.

72. For all the above reasons my overall conclusion is that the appeal proposal would be at odds with the development plan, and that there are no material considerations of sufficient weight to warrant planning permission being granted. Accordingly I dismiss this appeal.
73. I have had regard to all other matters raised, but they are not sufficient to outweigh the considerations which have led me to my conclusion.

David Wildsmith

INSPECTOR

Richborough Estates