



Appeal Decision

Site visit made on 25 March 2019

by V Bond LLB (Hons) Solicitor (Non-Practising)

an Inspector appointed by the Secretary of State

Decision date: 9TH April 2019.

Appeal Ref: APP/F1610/W/18/3214405

Land at Sunhill, Welsh Way, Poulton, Cirencester GL7 5SZ

- 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 Cotswold Compost Company Ltd against the decision of Cotswold District Council.
 - The application Ref 18/00970/FUL, dated 13 March 2018, was refused by notice dated 12 September 2018.
 - The development proposed is described as 'A Full Planning Application for the erection 20 dwellings (10 affordable & 10 open market) and associated development'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the appeal site is a suitable location in principle for residential development;
 - the effect of the proposal on the character and appearance of the area;
 - whether the proposed development would make appropriate provision for affordable housing; and
 - whether there are any material considerations that would overcome any harm resulting from the proposal.

Reasons

Location

3. The appeal site is located outside of any settlement boundary and so is in the countryside for the purposes of Policy DS4 of the Cotswold District Local Plan (2018) (LP). Policy DS4 seeks to ensure that housing is located where it will enhance or maintain the vitality of rural communities. It states that housing will not be permitted outside of principal and non-principal settlements, unless in accordance with permitted exceptions, none of which are relied upon here. Whilst the proposal would reduce traffic associated with the site as compared to the previous use in terms of HGV movements and proposes electric car charging points, nonetheless, there would still be a clear conflict with development plan policy.
4. Paragraph 79 of the Revised National Planning Policy Framework 2019 (the Revised Framework) states that isolated homes in the countryside should be

avoided in the absence of the particular circumstances specified. The appeal site is surrounded by agricultural land and is some distance from the settlement at Sunhill. It is therefore isolated for the purposes of paragraph 79. The architectural design of the dwellings is of fairly standard Cotswold vernacular. As such, even taking into consideration the benefits entailed in the scheme including sustainability credentials of the houses and the fact that half of these would be intended as affordable housing, the development does not represent truly outstanding or innovative design. As such, it does not fall within the exception contained within paragraph 79.

5. The appeal site is thus not a suitable location in principle for residential development. The proposal would in this way conflict with Policy DS4 of the LP and paragraph 79 of the Revised Framework for the reasons outlined.

Character and appearance

6. The area surrounding the appeal site has a distinctly rural feel characterised by arable fields, hedgerow boundaries and housing in dispersed clusters or linear form. Although the site has substantial areas of hardstanding and there are a number of large existing buildings on site, those that are visible from the road have an agricultural appearance and so sit comfortably in the rural landscape.
7. The erection of 20 dwellings on the site in the crescent form proposed, along with associated domestic paraphernalia would have a suburbanising effect on the character of the surrounding area, introducing a formality to the settlement pattern, at odds with the sporadic clusters and limited linear residential development seen elsewhere in the surrounding area.
8. Although screened on all sides by existing trees and bunding, nonetheless the layout proposed would mean that elements of the proposed development would still be visible from the entrance to the site and from Welsh Way when trees on the boundary to the road are not in leaf.
9. The density of the proposed development would be relatively low, with housing arranged around two village green spaces. Building coverage would be reduced as compared to the present position. Given though that existing buildings have an agricultural appearance and in view of the suburban crescent layout proposed, these aspects do not overcome my concerns as to the suburbanising effect that would arise.
10. Whilst the site is not in an area formally recognised for its landscape value, nonetheless the proposal would therefore have a harmful effect on the character and appearance of the area. It would conflict with Policies EN2 and EN4 of the LP which seek, amongst other things, design that respects the character and distinctive appearance of the locality and takes account of local distinctiveness. It would also not accord with paragraphs 127 and 130 of the Revised Framework, which include similar aims.

Affordable Housing

11. Policy H2 of the LP states that all sites with 11 or more dwellings are required to make contribution towards affordable housing provision. In respect of brownfield sites, the requirement is for 30% of net dwellings gross to be affordable, subject to viability considerations. This policy goes on to state that the type, size and mix, including the tenure split, of the affordable housing will

be expected to address identified housing needs of the district and to be tenure blind with clusters distributed throughout the development.

12. The Council has indicated that a mixture of one, two and three bedroom dwellings of for rent and shared ownership tenures would be appropriate to meet the identified housing needs.
13. The appellant has submitted a Unilateral Undertaking dated 28 March 2019 (UU) which provides for an affordable housing scheme to be agreed with the Council, comprising 50% affordable housing. Details including the location, tenure and specification of the affordable housing units are left to be agreed pursuant to this scheme. On this basis and bearing in mind that 50% of units would be affordable, the scheme could enable appropriate affordable housing provision to meet the identified need.
14. Although affordable dwellings would be smaller than the market dwellings and would have shared parking areas, they would be built in the same style and to the same specification as the open market houses. The approach would thus be adequately 'tenure blind' as required by Policy H2.
15. As such, overall the proposed development would therefore make appropriate provision for affordable housing and would accord with Policy H2 of the LP as outlined above. As regards the UU, as this would offer affordable housing in excess of the Policy H2 requirement, on this basis it goes beyond what is necessary to make the development acceptable in planning terms. This obligation would not therefore comply with the requirements of the Community Infrastructure Levy Regulations 2010 in this regard.

Other material considerations

16. The site is unusual in that it comprises previously developed land which is covered by significant areas of hardstanding and contains a number of large existing buildings, and is well screened from most public view points. The UU submitted provides for 50% affordable housing and is a significant benefit of the proposal. The provision of residential accommodation on site would be readily deliverable and in line with the preference of local residents as to the future use of the site.
17. Economic benefits of the scheme would include short term aid to the local economy through construction works and potential spend from future occupiers. Social benefits would include the provision of 20 dwellings in a pleasant rural location, 10 of which would be affordable housing and the scheme has the support of the Parish Council on this basis. Environmental benefits include the no carbon credentials of the houses themselves and opportunities for electric car charging, provision of open space and net ecological benefits.

Balancing and Conclusion

18. The proposal would offer a number of benefits as outlined above. However, the proposed housing would be in an isolated location and would have a harmful effect on the character and appearance of the rural surroundings. Whilst the Revised Framework aims to significantly boost the supply of housing, it also strives to maintain and enhance the vitality of rural communities and to protect local distinctiveness. In this case the benefits of the scheme, even together, do not outweigh the development plan conflict and harm found. For the above

reasons, and taking into account all other matters raised, the appeal does not succeed.

V Bond
INSPECTOR

Richborough Estates