



Appeal Decision

Hearing held on 16 April 2013

Site visit made on 16 April 2013

by P E Dobsen MA (Oxon) DipTP MRTPI FRGS

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

Decision date: 16 May 2013

Appeal Ref: APP/C1625/A/13/2190001

Land to the rear of "Tranquillity", Houndscroft, Rodborough GL5 5DF

- 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 Partridge Homes (Cotswolds) Ltd. against the decision of Stroud District Council.
 - The application (Ref: 12/1524/FUL), dated 24 July 2012, was refused by notice dated 19 September 2012.
 - The development proposed is "erection of 5 detached dwellings".
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Decision

1. The appeal is dismissed.

Application plans

2. A revised site layout plan (7756/1B) was submitted prior to the hearing, particularly to indicate the position of a revised site access from Butterow Hill. The Council has no objection to the substitution of this plan¹, and I have taken it into account.

Main issue

3. *Background:* The application was refused by the Council for 3 separate reasons. Reason 1 stated that the site is not in a sustainable location (and is therefore unsuitable for residential development). Reasons 2 and 3 referred, respectively, to a lack of adequate information regarding the presence or absence of protected species - specifically, reptiles, and more specifically, slow worms - on the appeal site; and to a lack of information to demonstrate that the proposed development could be safely and conveniently accessed.
4. Further information and analysis on both of these points was subsequently submitted by the appellant and in a statement of common ground. Professional witnesses² were present at the hearing, but their written evidence was not contested by either main party. The Council is satisfied that, in the event of the appeal succeeding and planning permission being granted, the protected species issue could be addressed by a planning condition (condition 3, as listed in appendix 8 to its hearing statement). I agree.

¹ See also Highway Statement of Common Ground (SCG)

² Messrs. Snijders, Barker and Rose

5. The Council is also satisfied that (following the withdrawal of its previous objection by Gloucestershire County Council as local highways authority) revised drawings show the position, dimensions and sightlines etc. of a satisfactory access. This too could be subject to appropriate planning conditions, as suggested in the Council's and GCC's hearing statements.
6. Although some local residents at the hearing remain unconvinced that the proposed access would be adequately safe, they have not submitted any technical evidence to demonstrate that assertion, and I therefore have no good reason to disagree with the main parties on this matter.
7. *Main Issue:* I agree with the Council that there is only one main issue outstanding in the appeal, albeit one which has inter-related aspects. This is whether - in the light of the relevant development plan and other (Framework³) policies - the appeal site is in a sustainable location for residential development, and whether or not the proposed development is supported by considerations of housing land supply and should (or should not) benefit from the Framework's presumption in favour of sustainable development.

Reasons

8. *The site and its surroundings:* The greenfield appeal site, approximately rectangular in shape and about 0.47 ha. in size, lies within the Cotswolds AONB near the southern edge of the small, scattered and discontinuous settlement of Houndscroft, and very close to the wide and elevated open spaces of Minchinhampton Common. Located near the middle of an extensive area of high ground between two deep valleys, it is about 2.5 kms. (direct distance) to the south of the centre of Stroud, from where it is reached via Butterow Hill, and over 1 km. from the nearest small villages of Amberley and Box, and further still from the small town of Minchinhampton to the south east.
9. Owing to the presence of these small settlements and other sporadic development in this wider area between the valleys, the site is neither in the open countryside, nor within any defined or definable settlement, nor on or near the southern edge of Stroud. Its location is best described as quasi-rural, and the site is close to 2 small and isolated clusters of low-density residential development, built around the 1970s, at Bownham Mead and Bownham Park. Another more recent cluster of 7 dwellings is at Shepherds Well, almost opposite the site on the eastern side of Butterow Hill.
10. While the site itself is mainly grassed, and surrounded on 3 sides (north, east and south) by a variety of mature and smaller trees and shrubbery, it is also surrounded by long established detached dwellings - including "Tranquillity", "Eastaway" and "Ridgmont" - on large plots.
11. CPRE (Stroud district branch) is a 3rd party objector. One of its objections to the scheme concerns its effect on the AONB. The main parties however agree that owing to the site's location close to established development, and its screening by trees in views from the wider landscape, the development of 5 houses would tend to have a neutral effect on the AONB, and would therefore do no demonstrable harm to its landscape character or quality. On balance, I agree with that, and therefore I have not identified the scheme's effect on the AONB as a determining issue in the appeal.

³ The National Planning Policy Framework, published March 2012

12. *Relevant development plan and other planning policies:* Although both the South West Regional Strategy and some policies in the Gloucestershire Structure Plan Second Review remained extant at the time of the hearing, it is agreed that neither document contains or contained any development plan policies relevant to the appeal. Therefore no reference was made to them at the hearing.
13. It is also agreed that the main development plan policy of relevance is saved policy HN10 (Residential Development Outside Defined Settlement Boundaries) in the Stroud District Local Plan, adopted in November 2005. This states that *"outside the defined settlement boundaries, residential development will not be permitted unless it is essential to the efficient operation of agriculture or forestry"*. There is no dispute that the site lies outside any defined settlement boundary, in accordance with an Inspector's findings and recommendation at the local plan inquiry in 2004, and that the proposed development would not fall within the permissible exceptions to the policy.
14. The Council relies upon policy HN10, which, it argues, remains up to date. The appellant however says it is not up to date, as it has been in effect superseded by the policies in the Framework. In particular, the appellant says that the Council cannot demonstrate a 5 year housing land supply, and that therefore Framework para. 49 comes into play. This states that *"relevant policies...should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites"*. For its part, the Council says it can demonstrate more than a 5 years supply.
15. *Conclusions on the main issue - sustainability of site and proposed development:* Although there is other established residential development in the near vicinity of the appeal site, from what I have seen and read this has mostly occurred within the curtilages of large houses and institutional buildings – i.e. on previously developed land. The (greenfield) site itself has never been developed and has never been within an area defined by planning policies as appropriate for residential or other development. No doubt that is partly owing to its location within an AONB, which designation tends to act as a strong constraint upon new development.
16. Moreover, there are very few services or facilities in the locality, the nearest (as described in detail in the Council's statement) being in the aforementioned small settlements of Amberley, Box and Minchinhampton. Accessible public transport linked to them and to Stroud is limited to infrequent bus services, which, plainly, do not provide a real alternative to the private car for most purposes; the local residents at the hearing themselves acknowledged that they were almost entirely "car-dependent". I am in little doubt that the proposed development of 5 substantial dwellings would be equally, if not even more so.
17. Thus the development would not be very sustainable in transport terms, contrary to the aims and objectives of both local and national (Framework) policies. Therefore, although the site cannot be described as lying in the remote countryside, it is not in my opinion in a sustainable location where planning policies encourage new development. That consideration weighs very heavily in the balance against a grant of planning permission.
18. *Housing land supply:* But is it, as the appellant claims, over-ridden by considerations of housing land supply, as set out in the Framework? I am not

persuaded that it is. The appellant cites 2 relatively recent appeal decisions on residential schemes elsewhere in the district (refs: C1625/A/11/2165865⁴ and C1625/A/11/2165671⁵). Both appeals were allowed, in part because the Inspectors found that the Council did not have a 5 year land supply.

19. For its part, the Council at this hearing argues that both decisions are now out of date owing to more recent data and evidence on the district's land supply (and it points out too that the Box Road, Cam decision is currently the subject of a legal challenge by the Council). According to the Council, and as summarised in appendix 3 to its hearing statement, there is by its most recent assessment a 6.53 years housing land supply⁶ in the district for the period April 2012 to end March 2017. This calculation follows its consultant's report, entitled *Population growth and total housing requirements for Stroud district*, recently adopted by the Council in connection with the preparation of its emerging Preferred Core Strategy, which remains at a relatively early stage.
20. The appellant in this case does not necessarily dispute the figures or findings in the consultant's report, and (in the context of this appeal concerning a relatively minor residential development) I am not in a position to do so. I assume that in due course they will be subject to detailed criticism and scrutiny at a core strategy examination. Although this has yet to occur, and no date for it is set, I give some weight to the Council's evidence and to its confident assertion that it can now demonstrate a 5 year land supply. I note too that the aforementioned appeal decisions, both for substantial numbers of houses, will have boosted the district's supply of deliverable sites.
21. It follows that the proposals are not supported by a demonstrable shortfall in housing land supply, such as might render local plan policy HN10 out of date, in accordance with the aforementioned para. 49 of the Framework.
22. *Presumption in favour of sustainable development:* For the above reasons, in particular the relatively unsustainable location of the appeal site combined with the absence of any clear-cut shortfall in the Council's 5 year housing land supply, I find that the proposals are not supported by the Framework's presumption in favour of sustainable development.
23. *Summary of conclusions:* Owing to their quasi-rural location some considerable distance from most services and facilities, and their almost complete reliance on the private car as a means of transport, the proposals would not represent sustainable development within the meaning of the Framework. And they are not supported by considerations of housing land supply. However, they would not harm the Cotswolds AONB, and as revised they would include a safe vehicular access. There is no significant objection to them on the grounds of their effect on protected reptile species. But these technical points do not outweigh the fundamental planning objections.
24. For the above reasons, the appeal must fail. I have considered all the other matters raised, including miscellaneous points mentioned by local objectors in written representations (Doc 3) and at the hearing, but there are none which alter or outweigh my conclusions on the main planning issue.

Paul Dobsen INSPECTOR

⁴ Re land at Sellars Farm, Hardwicke – application for up to 200 dwellings etc.

⁵ Re land off Box Road, Cam – application for 71 dwellings etc.

⁶ Including the 5% buffer referred to in para. 47 of the Framework

APPEARANCES

FOR THE APPELLANT:

Mr. N. McLoughlin BSc DipTP MRTPI	Principal, McLoughlin Planning Limited
Mr. R. Snijders BEng	RSL Highways and Transportation
Mr. M. Barker BSc MSc FIEEM	The Environmental Dimension Partnership LLP

FOR THE LOCAL PLANNING AND HIGHWAYS AUTHORITIES:

Mr. D. Corker DipTP	Principal Appeals and Enforcement Officer, Stroud DC
Mr. C. Rose IEng	Highways Engineer, Gloucestershire County Council

INTERESTED PERSONS:

Mr. G. Murray	Chairman, CPRE Stroud District (Gloucestershire branch)
Mr. M. Doyle	Local resident, representing Bownham Mead Residents' Association
Mr. M. Clements	Local resident, representing Bownham Park Residents' Association
Mr. C. McCleery	Local resident ("Orchard House")
Mr. R. Trusty	Local resident ("Beamsley")
Ms. B. Thomson	Local resident ("Eastaway")

DOCUMENTS (tabled at the hearing)

- 1 List of persons present at the hearing
- 2 The Council's letter of notification of hearing
- 3 Letters etc. in response to Doc 2
- 4 Highways and access statement of common ground
- 5 Extract from OS 1:50,000 sheet 162 (Gloucester etc.)

PLANS

- A The application plans – site location plan; 7756/1B (site layout plan); 7756/2 (house type "A" plans and elevations); 7756/3 (house type "B" plans and elevations); 7756/5 and 6 (detached garages plans and elevations)