



Appeal Decision

Hearing held on 17 and 18 July 2012

Site visit made on 18 July 2012

by David Morgan BA MA (IoAAS) MRTPI IHBC

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

Decision date: 25 September 2012

Appeal Ref: APP/F1610/A/12/2173963

**Land adjacent Badgers Field, George Lane, Chipping Campden,
Gloucestershire GL55 6EL**

- 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 Longborough Developments Ltd against the decision of Cotswold District Council.
 - The application Ref 11/05832/OUT, dated 19 December 2011, was refused by notice dated 22 March 2012.
 - The development proposed is erection of nine affordable and nine private houses, with associated amenities and landscape enhancements.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The application was made in outline with all matters bar access reserved; the appeal has been determined on this basis.
3. A unilateral undertaking was submitted with the application facilitating the scheme of affordable housing and a financial contribution towards education provision. As the appeal is dismissed on other grounds, these provisions are not considered in detail against the regulatory tests of the Community Infrastructure Levy.
4. On the 27 March 2012 the Government published the National Planning Policy Framework (henceforth referred to as '*The Framework*'). The main parties have been consulted on and have responded to the document and this has been taken fully into account in the reasoning below.

Main Issues

5. These are a) having regard to the location of the site outside the defined settlement boundary, whether its release now is justified by housing land supply considerations and the supply of affordable housing in the District and locality, b) the effect of the proposed development on the character and appearance of the area with specific regard to its location within the Cotswolds Area of Outstanding Natural Beauty (COANB) and to the setting of the Chipping Campden Conservation Area and other associated designated heritage assets and c) the effect of the development on the safety of highway users with regard to increased traffic movements as a result of the development.

Reasons

Housing land supply

6. Paragraph 47 of The Framework says that Councils should boost significantly the supply of housing to meet the objectively assessed needs for housing in the area and identify a supply of specific deliverable sites, with a buffer of 5% to ensure choice and competition in the market. A buffer of 20% needs to be applied where there has been a record of persistent under delivery to provide a realistic prospect of achieving this supply, and to ensure choice and competition.
7. The appeal site is beyond the development boundary for Chipping Campden, and is therefore defined as open countryside; the development is therefore contrary to policy 19 of the Cotswold District Local Plan (CDLP) which only allows housing to meet local needs in the rural area, inter alia. Although in this context the proposals are in contravention of this saved policy, this is not cited by the Council in their reasons for refusal. Notwithstanding this fact, paragraph 49 of The Framework requires that housing applications be considered in the context of the presumption in favour of sustainable development, and that policies for housing supply should not be considered up-to-date if a 5-year supply of deliverable sites cannot be demonstrated.
8. The Council's current housing land supply position, as of June 2012, set out in their Housing Land Supply Position Statement June 2012 (HLSPS) (building upon their Interim Housing Guidance Note (IHGN)), is that the Council currently has a 5 year supply of housing land with a 6% buffer. This, as I understand it, is based on their belief in the robustness of the Gloucester County Structure Plan (GCSP) annual housing requirement for the District of 307.5 dwellings per annum (DPA), the statistical support of more recent local household projections indicating a downward trend consistent with it, the number of recent and anticipated completions, the delivery of a number of Strategic Housing Land Availability Assessment (SHLAA) sites and the discounting of a second homes provision of 3.2% on the basis that demand in this area has been addressed by the grant of permission for a substantial holiday park.
9. It may be the case that the latest local population projections in the form of the Gloucestershire County Council Gloucestershire data analysis¹, minus the percentage for second homes, results in a calculated annual figure analogous to that of the GCSP. However, the 2010 County document's executive summary offers little confidence that this can be used alone or in partnership as a robust basis for calculating housing requirements. It suggests the report is not intended to replace 'official projections', rather to provide an alternative forecast which users may wish to take account of. Even if this can be held to support the application of the annual GCSP requirement, the growing body of opinion in relation to this matter, reflected in recent appeal decisions,² is certainly that although the GCSP may, in the broadest sense remain a starting point, due to its age, the publication of subsequent evidence and emerging policy (now including The Framework), the weight to be afforded it in relation to housing supply should now be more limited.

¹ Gloucestershire County Council Gloucestershire Local Projection Report 2010 and subsequent Housing Trend Analysis & Population and Household Projections.

² See below.

10. In the absence of an adopted Core Strategy the growing fragility of the GCSP annualised housing figure is reflected in a sequence of appeal decisions, initiated by that at Upper Rissingdon³, followed by that at Moreton-in-Marsh⁴, then Sellers Farm⁵ and most recently at Siddington Road⁶, where the HLSPS approach was also considered. In the Upper Rissingdon decision the Inspector, notwithstanding the draft status of the Revised Regional Spatial Strategy for the South West (incorporating the Secretary of States proposed changes) (RSS) at the time, afforded the annual requirement in the District of 357 DPA considerable weight when considering housing land supply, preferring this over the GCSP figure. At Moreton-in-Marsh, the Inspector considered the GCSP to be 'somewhat out of date' and remained unconvinced that the IHGN annualised figure of 300 DPA, drawn from an earlier draft of the RSS, was a robust basis for considering housing requirements of the District. At Sellers Farm, the Inspector preferred the RSS figure, whilst at Siddington, the Inspector again noted the conclusions in respect of the GCSP in the Moreton case and applied the RSS-based approach in determining the Siddington appeal, where a 5 year supply could not be demonstrated.
11. The Council is right that the GCSP is the last formally adopted strategic document with any precise guidance on the pan-county housing requirement; it also remains part of the development plan. However, the Council accept that an adopted Core Strategy is still some considerable way off, and the annual housing requirement set out therein is likely to be different from that suggested in the IHGN or HLSPS. More significantly, none of the evidence presented at the Hearing in relation to housing supply has convinced me that the aged GCSP or the more recent annual housing growth figures presented should be preferred over those identified through the evidence-base underpinning the draft RSS repeatedly supported by the Planning Inspectorate at appeal and now accommodated for in the provisions of paragraph 218 of The Framework, notwithstanding the Secretary of State's intention to abolish regional spatial strategies through the provisions of the Localism Act. In these circumstances, with the annualised draft RSS figure of 357DPA applied, the Council cannot demonstrate a 5 year housing supply.
12. Moreover, even if the Council's figures were to be accepted, the 5 year supply is contingent on the significant delivery of approved housing sites and on discounting the 3.2% second homes amount justified by the provision of the holiday park and with no account of non-commencement. The Council's 5.3 year supply totals 1,724 dwellings. If a 10% deduction to this figure in respect of un-commenced planning permissions and rural exception sites is applied in accordance with the methodology of the Inspector in the Moreton-in-Marsh case⁷, this figure drops to 1.685, taking the supply below the 5 year threshold with The Framework 5% buffer applied. If the concerns identified by the appellant in respect of the delivery of any or some of the developments anticipated in contributing to the supply, such as Upper Rissingdon, where the majority of the pre-commencement conditions are not yet discharged, come to pass, the figure falls further below the threshold. It is also very questionable whether the provision of the holiday homes at the Cotswold Water Park appropriately addresses the full and wider demand for second homes in the

³ Appeal Ref:APP/F1610/A/09/2112497.

⁴ Appeal Ref:APP/F1610/A/09/213032.

⁵ Appeal Ref:APP/F1625/A/09/2165865.

⁶ Appeal Ref:APP/F1610/A/09/2161332.

⁷ Ibid 2.

District. Again, even if such provision were only accepted in part, this would again reduce the figure. Even if only some of the more pessimistic scenarios postulated by the appellant come to pass, the Council's own 5 year figure looks fragile. On either count therefore, the housing constraint policies of the development plan cannot be held, in accordance with paragraph 49 of The Framework, to be up to date.

13. Although there was much debate about the amount of affordable housing in the District during the Hearing, the statement of Common Ground makes the position very clear. The Cotswold Housing Needs Assessment of 2009 found an annual requirement for 535 additional affordable units within the District. The Gloucestershire Strategic Housing Market Assessment 2009 established a need for 845 dwellings. The Council's Annual Monitoring reports indicate a total of 232 units provided over the previous 4 years. The District's housing register indicates that 332 households with a connection to Cotswold District are registered for social housing, of which 89 households have a local connection to the town or surrounding villages. There is therefore a commonly agreed need for affordable housing within the District as a whole and in Chipping Campden in particular. This need has consistently not been met. The provision of 9 affordable homes facilitated by this development and secured through a unilateral undertaking, though a modest contribution on a District-wide basis, would make a significant contribution to meeting identified need in the town. Accordingly, the provision of these dwellings as part of the scheme is to be afforded significant weight.
14. Housing development sites within the development boundary of the town are extremely limited and the appeal site is one of only four larger sites identified in the Council's Strategic Housing Land Availability Assessment (SHLAA) inset for Chipping Campden. It was suggested at the Hearing that there is a scheme for market and affordable housing development emerging at Berrington Mill Nurseries towards the eastern periphery of the town. Moreover, it was indicated that this site did not have the same degree of landscape conflict as the appeal site and that initial concerns over flood risk could be overcome. However, although there is an intention to submit an outline application in the near future, at the time of the Hearing this had not been forthcoming. A further large site at Aston Road was also identified on the SHLAA list but no progress has been made on bringing this forward. There are therefore no other larger sites immediately available to accommodate required housing in Chipping Campden and this must also weigh in favour of the appeal proposals being viewed favourably.
15. With regard to paragraph 14 of The Framework this housing development should be considered in the context of the presumption in favour of sustainable development and I, as decision maker, in the absence of up to date relevant policies, should presume to grant permission unless any adverse impacts of the development would significantly and demonstrably outweigh these identified benefits (meeting housing and affordable housing need). It is to these matters that I now turn.

Effect on the character and appearance of the area

16. The site is located on elevated pasture on the southern fringe of the settlement immediately outside its development boundary. The site lies within the CAONB, as does the town, it being 'washed over' by the designation. As with other settlements within the CAONB, this is an appropriate application,

reflecting as it does the intimate relationship of the settlements with the pastoral landscape that historically sustained them and which is now reflected in their cultural significance recognised in landscape and heritage designations. This cultural significance is recorded without hyperbole or exaggeration by David Verey and Alistair Brooks in the description of Chipping Campden in the Buildings of England volume *Gloucestershire 1: The Cotswolds*, where they state 'Chipping Campden is one of the most beautiful of smaller English country towns'.

17. Unsurprisingly, much of the historic settlement is designated a conservation area, though the site lies outside this designation. To the north and east of the appeal site lie the imposing and picturesque remains of Campden House with its extensive garden and the extended landscape of the Coneygree beyond. The southern limit of these works is Lady Juliana's Gateway⁸, historically and functionally the portal between 'tamed and untamed nature' but now isolated in the fields immediately to the east of the appeal site. This complex has multiple national designations and is amongst the most significant of the heritage assets in the town. There is, despite the standing screen of Poplar trees immediately adjacent to the eastern boundary of the appeal site, a strong degree of visual inter-connectivity between it and most specifically the Coneygree; this connectivity being made visceral by the very well used public footpaths that run through and around the appeal site, past the Gateway and up through the rising ground of the Coneygree to Station Road beyond. From this path the views of the Campden House complex to the east have a kinetic or experiential quality; one senses the transit between *untamed* and the *tamed* (albeit ruinously picturesque) landscape of open fields and designed landscape⁹. Here the close, almost unique, relationship between the settlement and the landscape of the CAONB can most clearly be perceived.
18. Although matters of layout and appearance are reserved, considerable thought has been applied to how the proposed development might look. It is arranged on an axis north west/south east, with the eastern building line tracking-back to the west along the southern boundary to accommodate open space. Design and materials evoke the Cotswold vernacular tradition and the eastern boundary suggests a bold 'hard edge' firmly and confidently defining the new easterly limit of the development.
19. Such efforts are not to be lightly dismissed and the indicative layout is a creditable effort to respond to the brief of accommodating this number of units on the site. However, the assertion by the appellant that the site is surrounded on three sides by development, so allowing it to accommodate the scheme, is overstated. Whilst to the north the Badger's Field housing does present a hard built profile to this boundary, the housing to the west of George Lane is more open, and filtered by the twin hedges of the lane. Although to the south The Sheppey, a single dwelling with associated outbuildings, is legible as built form, this is a modest, open, low-profile site that has very limited urban presence in the context of the appeal site and surrounding views.
20. In this context, especially on its southern and eastern edges, the proposed development would obtrude into this green enclave, palpably extending the built form of the settlement into the landscape. This would be immediately

⁸ A Grade II* listed building.

⁹ As the Heritage Statement and Landscape and Visual Impact Assessment points out, this is not a registered landscape as such but a Scheduled Ancient Monument, National Monument Number 11504.

apparent when the site is viewed from George Lane and from the entrance to the public rights of way at the junction of the lane with The Sheppey drive. Just as significantly, this obstruction would be apparent from the Coneygree (open National Trust land) and the public rights of way that cross it; it would remain apparent as one progresses through the landscape towards the site heading south west. This sense of urbanisation would be most acutely felt as one returns, passing through the development on the re-routed footpath where the kinetic experience of the view, of passing through the 'untamed' to the 'tamed' realm of the relict landscape would be significantly and harmfully curtailed. As a consequence, the subtle balance of this sensitive interface between settlement and landscape would be lost, to the significant and material detriment of the scenic and natural beauty of the CAONB and to a lesser extent but nevertheless still to a material degree, the setting of the designated heritage assets comprising the conservation area and the components of the Campden House complex. These concerns are compounded by the conviction that the footpaths through the site and providing the key experiential opportunities to appreciate it and its environs are indeed very well used, both by local residents and the many walkers visiting the area.

21. It is the case that some of the mature tree cover to the north and east of the site do, to a degree, screen the site in views from within the Campden House site, but these do not help in views from the Coneygree, and this screening is further depleted in the winter months when the leaf cover is lost. It is argued that the stand of Poplar trees adjacent to the appeal site also serve to screen the development in views from the Coneygree. However, the longevity of these specimens (especially in relation to the relative permanency of built development) has to be seen as limited, and their ability to act as a screen now is significantly diminished by their below-crown visual permeability and leaf loss in the winter months. These countervailing arguments do not therefore meaningfully overcome the concerns expressed above in relation to landscape impact.
22. Others with a view on the capacity of the site to accommodate development, specifically the 'White Report'¹⁰, conclude that some development may be appropriate here. However, it is my judgement, for the reasons set out above, that the proposals would cause material harm to the scenic and natural beauty of the CAONB, and so be contrary to the saved policies NHE4 and S6 of the Gloucester County Council Structure Plan Second Review and contrary to national policy set out in paragraphs 109 and 115 of The Framework. As policy NHE4 remains consistent with these Framework policies, in accordance with paragraph 215 of the same, at the present time it may rightly be afforded full weight. For the same reasons the proposals would also be contrary to the Cotswold Conservation Board's Landscape Strategy and Guidelines, insofar as they would adversely affect settlement character and form.
23. Furthermore, insofar as the development would materially harm the setting of the collective heritage assets constituting the complex of Campden House and the Chipping Campden Conservation Area, the proposals are also contrary to paragraphs 132 and 138 of The Framework which anticipates that great weight will be given to the conservation of such assets and their setting.

¹⁰ Study of Land surrounding Key Settlements in Cotswold District, 2000, White Consultants.

Highway safety

24. Concerns were raised at the Hearing over the impact of increased traffic as a result of the development on the safety of highway users, specifically those using Cow Lane, George Lane and the approaches to the local primary school. Whilst such concerns are acknowledged, they are not supported by the local highway authority nor are specific issues such as accident reports cited to suggest a current level of hazard. Whilst congestion may be acute at school drop-off and pick-up time, this would not necessarily be coincident with employment-related trips and self-evidently, any children attending the school resident in the development would walk. I therefore find no material concerns relating the highway safety that should weigh against the development.

Planning balance and conclusions

25. The Council has not demonstrated a five year supply of housing land and their relevant policies of the development plan cannot be considered up to date; as such, the development needs to be considered in the context of the presumption in favour of sustainable development elaborated in paragraph 14 of The Framework. The proposals would contribute to addressing the shortfall in housing supply, and the absence of alternative sites in the town makes this argument more compelling still. Moreover, the development would provide much needed affordable housing, is in a very sustainable location, can be brought forward now and would not result in increased risk to highway users. On this basis therefore, there are very sound and compelling arguments weighing in favour of the proposal.
26. Nevertheless, and accepting that others have considered that some form of development may prove acceptable on the site, I conclude that the harm to the scenic beauty of the CAONB, specifically the relationship between built form and landscape, and the erosion of the broader setting of the heritage assets experienced in views from, through and to the site caused by these proposals, would all combine to significantly and demonstrably outweigh the benefits of the development. Moreover, although the proposals may not be deemed major¹¹, paragraph 115 of the Framework makes clear that great weight should be given to conserving the scenic beauty of Areas of Outstanding Natural Beauty; this proposal fails to achieve this salient national conservation objective, and therefore stand contrary to this part of The Framework and so also to the consideration set out in the fourth bullet point of paragraph 14 of the same.
27. For these reasons, and having considered all matters raised in evidence and during the Hearing, I conclude the appeal should not succeed.

David Morgan

Inspector

¹¹ In the context of paragraph 116 of The Framework.

APPEARANCES

FOR THE APPELLANT:

Mr J Cahill QC	No. 5 Chambers, Birmingham
Mr M Chadwick BA (Hons) Dip TP MRTPI	Hunter Page Planning
Mr J Whitton	Portus and Whitton
Mr J Lewis	Hunter Page Planning

FOR THE LOCAL PLANNING AUTHORITY:

Mr R Eaton BA (Hons) MTPL MRTPI	
Mr Watt BSc (Hons) CMLI, MRTPI FArborA	Cotswold Conservation Board

INTERESTED PERSONS:

Councillor Dr R King	
Mr A Rose	The Campden Society

Mr J Ellis
Mrs V Rigg
Mr D Granger
Councillor Mrs S Jepson

Documents presented at the hearing

1. Council's notification letter
2. Signed Statement of Common Ground
3. Five year housing land supply figures – appellant
4. E mail from Mr Watts commenting on application – Council
5. Letter relating to negotiations at Berrington Mill – Council
6. Extract from Guidelines for Landscape and Visual impact assessment – Council
7. Councillor Dr King's presentation – Dr King
8. Written statement – Mr Granger
9. % year Housing Land supply June 2012 – Council
10. Appeal Decision – Appellant
11. Appeal decision – Appellant
12. Table of deliverable sites – Appellant

13. Unilateral undertaking – Appellant
14. Appendix A table comparing housing market areas and other data – Appellant
15. Upper Rissington appeal decision – Appellant
16. Draft Housing Plan 2012-2016 – Council
17. Housing officer's response to application – Council
18. Affordable housing provision – Chipping Campden Town Council
19. Closing comments – Council
20. Closing comments – Appellant
21. Policy 5 Cotswold District Local Plan 2001-2011 - Council

Richborough Estates