
Appeal Decision

Site visit made on 12 May 2015

by Mrs KA Ellison BA, MPhil, MRTPI

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

Decision date: 02 June 2015

Appeal Ref: APP/C1625/W/15/3003612

Land at the junction of Bath Road/Downton Road, Leonard Stanley, Stroud

- 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 Homes Ltd against the decision of Stroud District Council.
 - The application Ref S.14/2082/FUL dated 5 September 2014 was refused by notice dated 19 December 2014.
 - The development proposed is the erection of 17 dwellings, provision of new access and internal roadway and other ancillary works.
-

Decision

1. The appeal is dismissed.

Policy context

2. The only identified conflict with the adopted development plan¹ concerned policy HN4, which deals with affordable housing. The Council confirms that the planning obligation which accompanied the appeal makes adequate provision to address the identified shortfall and this is sufficient to overcome the conflict with policy HN4. As regards other development plan policies, the current Local Plan only made provision for housing up to 2011 so that the Council accepts that relevant policies for the supply of housing are out of date. No conflict has been identified with any other policies of the development plan.
3. Although progress is being made on a new local plan, I understand that examination of the Submission Local Plan is still in progress. At its present stage therefore, its policies can carry limited weight and, indeed, no policies have been drawn to my attention except for Core Policy CP9, which deals with affordable housing.
4. On that basis, the proposal should be determined in the light of the presumption in favour of sustainable development set out at paragraph 14 of the National Planning Policy Framework (NPPF). This means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

¹ Stroud District Local Plan 2005

Main Issues

5. The main issues in the appeal are: the effect of the proposal on the character and appearance of the surrounding area; whether the Council can demonstrate a five year supply of housing land; and whether the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits.

Reasons

6. The appeal site lies outside of but immediately adjacent to the Leonard Stanley settlement boundary. It is roughly triangular in shape and is bounded by both Downton Road and Bath Road. There is a pronounced bend to Bath Road at this point and the site lies on the outer edge of this bend.

Issue 1 – character and appearance

7. Despite the presence of built development adjacent to all three sides, the openness of the site in its current state permits wide views of the surrounding countryside from a number of points in this part of the village. Whilst similar views are available from other parts of the village, this site lies at the junction of two important routes, one entering Leonard Stanley and the other passing through it. As a result, these views make a particularly valuable contribution to the setting and character of the village.
8. The Design and Access Statement notes that cottages in various styles form the predominant pattern of development in Leonard Stanley, although larger two storey dwellings are also found in the area of the appeal site. In keeping with this, the proposed dwellings would be provided as a mix of short terraces, semi-detached and detached houses, with a strong frontage to Bath Road but retaining and strengthening the perimeter hedge to Downton Road. Access would be taken from Bath Road.
9. One terrace and two pairs of semis would sit at the front of the site, next to Bath Road. This number of dwellings, positioned so close to the road and compressed into such a short frontage would appear cramped and regimented in comparison to existing properties nearby, which tend to respond in a variety of ways to the curve of the road. There would also be a detached house situated to the east of the proposed access road, set slightly further back from, and at an angle to, the main road. The suggestion that this would provide a 'vista stop' from Bath Road is unconvincing and I note that no design rationale has been provided in support of this assertion. It seems to me that the position and orientation of this house would lack any positive relationship with other dwellings either within or beyond the appeal site.
10. The design treatment of Downton Road is also seriously flawed. The two terraces along this part of the site would face inwards, turning their backs on the approach to the village. This would not compare well with the current situation, where views towards the village positively contribute to an appreciation of the variety of building styles along Bath Road. Whilst the line of the proposed dwellings would reflect that of the Scout Hall to the north, the new houses would lack any visual relationship with it. As a result, the appeal scheme would not achieve the stated aim of integrating that building into the village. Nor am I convinced that such a design approach is warranted by the presence of the repair garage on the opposite side of Downton Road, given that other residential properties appear to sit quite easily nearby.

11. In its present state, the site plays an important role in two ways: from within the village, it allows an appreciation of the rural setting; from Downton Lane, it allows appreciation of the village's built character. I recognise that the appeal scheme has had regard to the built form of the village in other respects, such as the height, scale and choice of materials and that similar characteristics, including densities, can be found in other parts of the village. I also note that views towards the surrounding countryside would still be possible if this site was developed as proposed. However, this proposal is wholly unsympathetic as regards its layout and relationship to its surroundings. The loss of openness and reduction in views available, together with the introduction of such a poorly laid out group of houses in this important location, would combine to have a significant adverse effect on the character and appearance of its surroundings.

Issue 2 – Housing land supply

12. Based on the Council's figure for full, objectively assessed need of 11,200 to 2031, the Appellant calculates the housing requirement to stand at 2,560, which includes a shortfall of 320 units for the period 2006–2014. The Appellant then subtracts 1,002 units from the Council's estimated supply of 3,556, these being allocations in the emerging local plan and a discount due to overly optimistic delivery rates on larger sites. According to the Appellant therefore, supply stands at 2,554. This would produce a shortfall of 134 units, once account is taken of the need for a 5% buffer of 128 units.
13. The Council defends its position by pointing out that, in fact, the supply figure includes only 395 units from sites in the emerging local plan. Also, even though it may take some time before the plan is adopted, it is reasonable to expect some units to be delivered on allocated sites within the relevant five year period. Estimates of delivery rates on large sites have been based on individual returns from developers or discussions with development control officers². According to the Council, the supply position stands at 3,556 or at least 6.2 years.
14. Given the correction to the number of units included in the supply figure from the emerging local plan, the Appellant's case at its strongest would result in a shortfall of 61 units. It may well be that some sites in the emerging local plan will fall by the wayside, either being removed from the plan as a result of the Local Plan examination or because delivery is delayed beyond the current five year horizon. Nevertheless, these allocations will have already been assessed for deliverability so that it is highly likely that at least 61 of these 395 units would be delivered within five years. Moreover, the Council's assessment of delivery rates on large sites is based on individual site assessment whereas the Appellant's uses an average based on national data. Overall, I consider that the Council's assessment is to be preferred.
15. On the information before me therefore, I am satisfied that the Council is able to demonstrate a five year supply of land for housing.

Issue 3 - adverse impacts and benefits

16. NPPF refers to the three dimensions of sustainable development and states that its policies as a whole constitute what sustainable development means in practice³.

² Stroud District Council: Five Year Housing Land Supply, July 2014, paragraph 2.2

³ NPPF paragraphs 6-7

17. With regard to sustainability benefits, the Appellant points to the access to facilities and services as well as to the potential for a net gain in biodiversity. I agree that residents of this site would enjoy a good level of access to the various facilities and services within Leonard Stanley, which include schools, shops and a bus service. Also, provided the recommendations in the Ecological Assessment were implemented, I accept that some gains to biodiversity could be achieved. However, good design is considered to be a key aspect of sustainable development⁴. Given the very substantial deficiencies I have identified with this particular design, this scheme would not contribute positively to Leonard Stanley and would fail by a large margin to integrate into the built environment of the village. Overall therefore, I consider that it would not constitute a sustainable form of development in practice.
18. The proposal would deliver benefits in relation to making full provision for affordable housing as well as contributing to the aim of significantly boosting the supply of housing. In the context of an identified annual need for 492 affordable dwellings, the provision of affordable housing must carry considerable weight. The provision of market housing also carries considerable weight. On a more modest scale, there would be short term economic gains during the period the site was being developed, as well longer term benefits to the vitality of this rural community. However, the failings of this scheme are so serious, in my assessment, that they do significantly and demonstrably outweigh its benefits. As a result, I consider that the proposal is contrary to the NPPF as a whole.

Conclusions

19. In representations from interested parties, particular concern was expressed at the potential impact of the proposed development. During my site visit, I took careful note of the relationship between the appeal site and other dwellings, including Yew Tree Cottage. However, given the position of the site in relation to existing dwellings, I consider that the proposal would not have a material adverse effect on the living conditions of current residents.
20. The planning obligation provides for contributions towards affordable housing and recreation. The transitional period for funding under Community Infrastructure Levy (CIL) Regulation 123(3) (as amended) ended on 6 April 2015. The Council was asked to clarify the position with regard to the number of planning obligations which provide for the funding or provision of recreation. However, since the appeal fails on other grounds, it has not been necessary for me to consider this any further.
21. For the reasons given above, I conclude that the appeal should not succeed.

K.A. Ellison

Inspector

⁴ NPPF paragraph 56