
Appeal Decision

Site visit made on 20 October 2015

by William Fieldhouse BA (Hons) MA MRTPI

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

Decision date: 20 November 2015

Appeal Ref: APP/G1630/W/15/3129433

Land to the north of Main Street adjacent to Bank Farm, Dumbleton, Gloucestershire

- 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 Mr S Duberley against the decision of Tewkesbury Borough Council.
 - The application Ref 14/01122/FUL, dated 13 November 2014, was refused by notice dated 3 February 2015.
 - The proposal is residential development comprising 15 new homes of which 6 will be affordable.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In an attempt to address some of the Council's reasons for refusal, amended plans were submitted at the appeal stage following consultation with residents in the village¹. Whilst the site boundary would remain unaltered and the number of dwellings would be reduced from 15 to 10, the proposal would be significantly different to that which formed the basis of the Council's decision. It is not the purpose of the appeal process to facilitate the evolution of a scheme, and notwithstanding the fact that the proposal would be of a reduced scale I cannot be sure that the interests of third parties would not be prejudiced in some way if I were to base my decision upon it. This is so because the layout of the revised scheme is quite different, and because the reduction in the number of dwellings could affect the weight to be given to a number of material considerations. Therefore, my decision is based on the plans that were submitted during the course of the planning application and were before the Council when it made its decision.
3. In response to reason for refusal no. 5, the appellant has provided additional information at the appeal stage relating to the proposed access arrangements. In light of this, the Borough Council and the highway authority are satisfied that, subject to the imposition of planning conditions if permission were to be granted, the proposal would not be detrimental to highway safety. As there is

¹ Site layout plan ref Zeb821-P-001 revision L.

no substantive evidence before me to lead me to a different conclusion, I do not consider it necessary to pursue that matter further.

4. An executed planning agreement made under section 106 of the Town and Country Planning Act 1990 has been submitted at the appeal stage. This contains planning obligations relating to the provision of affordable housing, community facilities, education facilities, children's play area, public open space, sports facilities, waste recycling facilities, dog bins and signs, and design and quality standards. These obligations are intended to address reasons for refusal nos. 6, 7 and 8 set out in the decision notice and some other matters raised by the Council. I return to this later in my decision.
5. Statutory development plan policies relevant to the proposal are set out in the Tewkesbury Borough Local Plan which was adopted in 2006. The Gloucester, Cheltenham and Tewkesbury Joint Core Strategy, which was submitted for examination in November 2014, also contains relevant policies. Whilst this has reached an advanced stage, the examination has not concluded meaning that I attach limited weight to those policies.
6. I have been referred to a previous appeal concerning a proposal to convert an existing Dutch barn on the site², and also to a number of other appeal decisions relating to sites elsewhere. In so far as they are relevant, I have taken account of these decisions in making my assessment of the current proposal.
7. A representative for the appellant did not attend the site visit as had been arranged. However, I was able to see sufficient of the site and its surroundings from public land on an unaccompanied basis to allow me to proceed to a decision bearing in mind the photographs and other information that have been provided by the appellant and others.

Main Issues

8. In light of the above, the main issues in the determination of this appeal are:
 - the effect on the character and appearance of the area, and
 - whether the proposal would contribute towards a sustainable pattern of development in the borough, having regard to access to employment, shopping, community, leisure and other facilities.

Reasons

9. The appeal site comprises 0.79 hectares of currently disused former agricultural land on the northern edge of the small attractive rural village of Dumbleton. To the east and west lies open countryside; to the north Bank Farm and several traditional outbuildings, some of which have been converted to residential use; and to the south linear residential development along Main Street with the main part of the village some distance beyond. A mature hedgerow runs around the road frontage to the south and east of the site.
10. The proposed 15 dwellings would comprise a row of 6 semi detached houses with a detached house at one end and a bungalow at the other end, all backing on to Main Street with modest sized rear gardens. To the north east of these

² Appeal ref APP/G1630/A/10/2124206.

would be four terraced and two semi detached houses, and a large detached house would replace the existing dutch barn on the north west part of the site. There would be two small areas of open space, one in the south west corner and the other in the centre of site. Vehicular access would be via an existing private road on the western side of the site that currently serves the dwellings at Bank Farm and which would be brought up to adoptable standard. There would be a separate pedestrian access to Main Street.

Character and Appearance

11. The site is within a Special Landscape Area designated in the local plan and abuts the northern boundary of the Cotswold Area of Outstanding Natural Beauty (AONB) that washes over the main part of Dumbleton and extends to the south, east and west. The western part of the site comprising the access road, dutch barn, and small field between that structure and Main Street are within the Dumbleton Conservation Area. There are a number of listed buildings and locally designated historic buildings nearby³. In accordance with national policy and relevant legislation, I attach great weight to the objective of preserving or enhancing the character and appearance of these designated and non designated heritage assets and their settings⁴.
12. The conservation area includes the entire main built up area of the village that runs along the gently swerving Main Street with a limited number of small cul de sacs to either side. There are a good number of historic buildings along with more recent small scale developments that are essentially interwoven into the original fabric of the settlement. The conservation area also encompasses a significant amount of undeveloped land on the edges of the village, including a field immediately to the west of Bank Farm. This field, and the appeal site, are to my mind physically and visually separate from the main part of the village which lies to the south of the junction of Main Street and Beckford Road.
13. The 6 attractive semi detached estate cottages a short distance away on the other side of Main Street include two that are listed buildings⁵ whilst the others are identified in the conservation area statement as being of historic character. Whilst the row of 20th century dwellings on Main Street opposite the site are outside the core of the village and not reflective of traditional building styles, they are set well back on their plots. This layout; the traditional nature of the buildings at Bank Farm which are identified in the conservation area statement as being of historic character; and the openness of the appeal site and land to the west and east mean that the area to the north of Beckford Road has an overtly rural character which contributes positively to the conservation area, its setting, and the setting of nearby historic buildings.
14. The erection of 15 dwellings on the appeal site would represent a significant expansion of the settlement into its rural fringe, albeit that it would be largely contained by roads on two sides and the collection of buildings at Bank Farm. Whilst those buildings retain their traditional rural character and evident historic links with the freestanding farm, the proposal would appear as an essentially self contained collection of modern houses divorced from the village.

³ Dumbleton Conservation Area Character Statement (2002).

⁴ Sections 66(1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and NPPF paragraph 132.

⁵ Nos 25 and 26 Main Street are grade II listed buildings.

The use of materials and certain architectural features that reflect the traditions of the area would not disguise this fact. Furthermore, the proximity of the row of dwellings to Main Street, and the fact that they would face away from the road, would mean that they would be quite out of character with the pattern of development nearby and found elsewhere in the village.

15. Whilst the existing dutch barn does not contribute positively to the appearance of the conservation area, it is rural in character and does not appear out of place close to the former farm buildings outside the main part of the village. The substantial detached house on the site of the dutch barn would incorporate some traditional features and materials, but its scale, form, height and essentially contemporary design, mean that it would be out of keeping with the low key collection of buildings at Bank Farm.
16. Thus, whilst the appeal site is not specifically identified in the conservation area statement as performing a particular function in terms of protecting heritage assets or affording views into or out of the village, the development would to my mind cause significant harm to this part of the conservation area, the rural setting of the village, and the setting of nearby designated and non designated heritage assets.
17. Furthermore, whilst the proposal would not be visually prominent provided that the boundary hedgerows were retained, or affect the wider landscape of the AONB, the erection of a substantial number of new dwellings on a largely open area of land poorly related to the village would detract from the intrinsic beauty of this part of the countryside close to the village and in a designated Special Landscape Area that forms part of the setting of the AONB.
18. I conclude on this issue that the proposal would cause significant harm to the character and appearance of the area by reason of its detrimental impact on the Dumbleton Conservation Area, the rural setting of the village, the setting of listed buildings and other buildings of historic character, and the intrinsic beauty of this part of the countryside. It would, therefore, be contrary to the objectives of national policy⁶, local plan policies HEN2 and LND2, and policies SD5, SD8 and SD9 of the emerging joint core strategy which collectively seek to ensure a high standard of design and that development preserves or enhances local distinctiveness, heritage assets and landscape character.

Sustainable Pattern of Development?

19. There is a general store, church, village hall, primary school and cricket ground in the village. Limited bus services run to Mickleton, Cheltenham and Bishops Cleeve, and there is a voluntary run community connector service to Tewkesbury and Evesham. The nearest train stations are some distance away at Tewkesbury, Evesham and Cheltenham. Thus, whilst future residents would be able to reach the limited number of facilities in the village on foot, they would be likely to be dependent on the use of private motor vehicles to gain regular access to employment, shopping, community, leisure and other facilities.
20. The fact that local plan policy HOU3 allows limited infilling in the village does not mean that it is a sustainable location for a significant extension of the

⁶ NPPF sections 7, 11 and 12.

settlement, and I note that Dumbleton is not identified as a service village in the emerging core strategy. Whilst opportunities to maximise sustainable transport solutions differ between urban and rural areas, given the relatively poor public transport links and limited local facilities, I am not persuaded that the village is a sustainable location for a development of the scale proposed. Nor is there any specific evidence to indicate that allowing the proposal would lead to more local facilities being provided or improvements to public transport services.

21. I conclude on this issue that the proposal would not contribute towards a sustainable pattern of development in the borough and would be contrary to the objectives of national policy⁷, local plan policy TPT1, and draft core strategy policy SP2 which collectively seek to achieve a distribution of development that is informed by sustainability principles, promote sustainable transport and healthy communities, and ensure safe and convenient access and that an appropriate level of public transport infrastructure and service is available.

Other Matters

22. The Council acknowledges that it cannot demonstrate a five year supply of deliverable housing sites as required by national policy meaning that local plan policies for the supply of housing, including HOU4 which restricts housing outside settlements, cannot be regarded as being up to date⁸. However, whilst there is clearly a need to bring forward additional sites to boost housing delivery, this does not mean that policies aimed at protecting the built and natural environment are out of date or should be disregarded. I am satisfied that local plan policies HEN2 and LND2 are broadly consistent with the NPPF and should continue to be afforded full weight.
23. It may be the case that there are limited opportunities to develop in and around Dumbleton, and that other potential development sites are within the AONB and the conservation area. However, whilst clearly there is a need for a greater level of housing development in the borough, there is no particular requirement that I have been made aware of for this to be provided in Dumbleton. I do not, therefore, accept that the proposal can be justified on the basis that it is the "least worst" option for development in or around the village.
24. A planning obligation would ensure that 6 of the proposed 15 dwellings would be affordable. This would be in accordance with local plan policy HOU13 and draft core strategy policies SD13 and INF1. The provision of these affordable homes, and open market housing, would deliver social and economic benefits. Given that housing needs are not being met in the borough, and bearing in mind the limited scale of the proposal relative to those needs, I attach moderate weight to these benefits.
25. A number of other planning obligations are included as part of the proposal. However, given my findings on the main issues, and because to meet the necessary national policy and legal tests⁹ these other obligations would have to

⁷ NPPF sections 4 and 8.

⁸ NPPF paragraphs 47 and 49.

⁹ NPPF paragraph 204 and the Community Infrastructure Levy Regulations 2010 (as amended).

be designed to mitigate the impacts of the development rather than lead to net benefits to the wider community, I do not need to consider them further.

26. A number of other issues are raised by interested parties, but none of these alter my findings on the main issues or affect my overall conclusion.

Overall Assessment

27. By reason of the conflict with the local plan policies that I have identified, the proposal would be contrary to the provisions of the statutory development plan. Planning permission should not, therefore, be granted unless material considerations indicate otherwise¹⁰. The proposal would also not be in accordance with the draft core strategy, albeit that this has limited weight at the present time.
28. The proposal would help to boost housing supply and thereby deliver social and economic benefits that carry moderate weight. Whilst the harm that I have identified to heritage assets would not be substantial, it would be significant, and there would also be a detrimental effect on the countryside. Furthermore, the proposal would fail to contribute to a sustainable pattern of development in the borough.
29. The adverse impacts of the proposal would clearly and demonstrably outweigh the benefits and mean that the proposal would not represent sustainable development as defined in the NPPF read as a whole.
30. For these reasons, material considerations do not indicate that planning permission should be granted for a proposal that is not in accordance with the development plan.

Conclusion

31. For the reasons given above, I conclude that the appeal should be dismissed.

William Fieldhouse

INSPECTOR

¹⁰ NPPF paragraph 11.