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## Appeal Decision

Site visit made on 7 December 2015

**by Joanne Jones BSc(Hons) MA MRTPI**

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

**Decision date: 14/12/2015**

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**Appeal Ref: APP/P0119/W/15/3133771**

**Land at Church Lane, Rangeworthy, South Gloucestershire BS37 7ND**

- 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 Mr David Barnes against the decision of South Gloucestershire Council.
  - The application Ref PT14/4172/O, dated 16 October 2014, was refused by notice dated 5 May 2015.
  - The development proposed is the erection of 10 dwellings, layout of estate road.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The application was made in outline, with access, appearance, layout and scale to be determined at this stage and landscaping as a reserved matter. I have dealt with the application on that basis.

### Main Issues

3. Subsequent to the appeal being lodged, the appellant submitted a Unilateral Undertaking (UU) under Section 106 (S106) of the Town and Country Planning Act 1990, dated 3 December 2015. This UU addresses the seventh, eighth and ninth of the Council's Reasons for Refusal. I will return to this matter in my decision below.
4. The Council has accepted that an ecological report prepared since the appeal was lodged has addressed the fourth of the Council's Reasons for Refusal. Consequently, the Council considers this Reason for Refusal has been met and does not wish to pursue it at this appeal.
5. Therefore, from all that I have seen and read the main issue in this case is whether the proposed development would accord with national and local policy regarding sustainable development.

### Reasons

#### *Background*

6. The appeal site currently comprises an area of open space which is currently set to rough grassland. The site boundaries include: post and rail fencing; and

mature hedges and vegetation, including a number of mature trees. There are existing dwellings to the east and west, with a primary school located to the south. Running along Church Lane is the Jubilee Way, a Public Right of Way, which provides a circular footpath through the surrounding countryside and villages.

7. The village of Rangeworthy is essentially a linear settlement. The historic core of the village is situated on its northern edge and, along with the appeal site, contains the Holy Trinity Church, Rangeworthy Court, a primary school and a pub. The majority of residential properties and the village hall are found some way to the south, which broadly form an 'L' shape of development along Wotton Road and New Road. The surrounding area is rural in character, with fields bounded by hedgerows and scattered agricultural buildings.

#### *Planning Policy*

8. The National Planning Policy Framework (the Framework) states, at paragraph 47, that local planning authorities should "boost significantly the supply of housing" and to identify sites sufficient to supply 5 years worth of housing against their housing requirements. Paragraph 49 of the Framework says that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable sites.
9. The Council state, for the purposes of this appeal, that they cannot demonstrate a five year supply of deliverable sites. Therefore paragraph 14 of the Framework requires that planning permission should be granted without delay unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.
10. The site lies outside the development boundary for Rangeworthy. As such it is in open countryside, where new development is strictly controlled under policy H3 of the Local Plan<sup>1</sup> and only limited types of development, such as accommodation for essential countryside workers, replacement dwellings and other affordable housing, is permitted. It is no part of the appellant's case that their proposal accords with the exceptions and provisions set out in this policy. Nevertheless, as set out in the appeal decision<sup>2</sup> brought to my attention by the appellant, Local Plan Policy H3 seeks to restrict housing outside settlement boundaries, is out of date and is inconsistent with the Framework. Therefore weight to be accorded to Local Plan Policy H3 is limited.
11. Core Strategy<sup>3</sup> Policies CS5 and CS34 define Rangeworthy as within 'the rural areas', where limited housing development would be allowed within those villages or parts of villages which have settlement boundaries. However given the lack of a five year supply of deliverable housing sites these Core Strategy Policies cannot be considered up to date.
12. I note that the Council is preparing a 'Policies, sites and places Plan' (PSP Plan), which will contain detailed planning policies to manage new development and allocate and safeguard sites for various types of development. The PSP Plan's initial approach was to support communities to bring forward new

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<sup>1</sup> The South Gloucestershire Local Plan 2006

<sup>2</sup> Appeal decision ref APP/P0119/A/14/2220291

<sup>3</sup> The South Gloucestershire Local Plan Core Strategy 2013

housing sites in the rural areas, rather than propose sites at the outset. This process has identified a site for 20 dwellings off New Road, Rangeworthy to meet local need. Whilst the appeal site was assessed through this process, it was dismissed following a technical assessment by the Council. However, the PSP Plan is an emerging plan and has not been subject to formal examination and as such can only be accorded limited weight.

### *Sustainable development*

13. At the heart of the Framework is the presumption in favour of sustainable development. It sets out the three dimensions – economic, social and environmental - that need to be considered, and that the roles should not be taken in isolation. Moreover, paragraph 55 of the Framework states that in order to promote sustainable development, housing should be located where it would enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, developments in one village may support services in a village nearby.
14. The services and facilities identified in evidence as being available in the village include: a Church; recreation area; primary school; pub; Indian restaurant and takeaway; bus stop; and village hall. The nearest retail and health facilities are approximately 5km from the appeal site at Yate.

### Economic role

15. In terms of its economic role, in creating an additional 10 dwellings the proposal would help address the housing shortage. Although none have been identified in the local area, the use of local suppliers and contractors during the construction period would aid local businesses and in turn the economy. The scheme would also make a contribution towards affordable housing via a S106 agreement. I acknowledge that the construction of 10 dwellings would have some economic benefit, although the contribution they would make to building a strong, responsive and competitive economy would be modest.
16. I have no evidence that the proposed development would result in any adverse economic impacts and I conclude that, for this dimension of sustainable development, the balance must clearly be in its favour.

### Social role

17. The principal social benefit of the proposed development would be the provision of additional housing in an area where the on-going Local Plan process has demonstrated that there is an, as yet unresolved, shortage of provision. In the light of the Framework's priority to '*...boost significantly the supply of housing...*', the additional dwellings to be provided must carry substantial weight in my decision.
18. There is also the appellants' commitment, reflected in the signed and dated UU, that 3 of the proposed dwellings would be affordable. Significant weight must be given to this aspect of the development.
19. Nevertheless, Rangeworthy has very limited facilities and services and the range available within the nearby villages is also restricted. I accept that future occupiers of the proposed dwellings would help support local essential services, although I anticipate the significance in enhancing or maintaining the vitality of rural communities would be limited.

20. In addition to there being limited services and facilities in the locality, the distance of the appeal site from essential services is sufficient to suggest that some form of transport would be required for future occupants to access them. Whilst I am unsure from the evidence that these services could be accessed by public transport, the public transport timetable is limited and I consider that private transport would mainly be relied on. This would be in contrast to the Framework, which states in paragraph 34, that decisions should ensure developments are located where the need to travel is minimised and the use of sustainable transport modes can be maximised, and Core Strategy Policy CS8, which states that priority will be given to providing the users of new development with a range of travel options other than the private car. I do not consider that the proposal would satisfy these requirements.
21. In reaching this conclusion I acknowledge that the emerging PSP Plan states that Rangeworthy has acceptable access to key services and facilities. But this is only based on walking or cycling access to at least two types of facilities and services. As I saw on my site visit the limited facilities within Rangeworthy would not meet the day to day needs of future occupiers. In any event sustainability is not just about distance to services and facilities.
22. The balance within the social dimension of sustainable development may not be as overwhelmingly clear-cut as with the economic dimension of the proposal, but given the substantial weight I must afford to the provision of additional market and affordable housing, it remains moderately positive.

#### Environmental role

##### *i) Landscape character*

23. The existing ribbon development along the Wotton Road and particularly along New Road exhibits a number of suburban characteristics. However, those characteristics are tempered by the presence of the trees and visual breaks through which glimpses to the open countryside can be sought. Seen as a whole, I consider that the area has a rural ambience.
24. Although there is already some development, the appeal site is mostly open and more or less contiguous with the swathe of open countryside to the northwest. Whilst in part appearing as somewhat of a transition between the development on Church Lane and the more rural and open countryside to the north it is clear that the site contributes to the rural setting of this part of Rangeworthy.
25. The proposed development would be outside the settlement boundary and would constitute an encroachment into the countryside. Notwithstanding the outline nature of the proposals and the appellant's view that the development would not extend the built form of the village, I consider it almost inevitable that the quantum of housing being proposed would result in the introduction of a somewhat suburban development into a largely pastoral landscape. That, in consequence, is bound to detract from the current rural setting of this part of the village and compromise the rural character of Church Lane.
26. Additionally, the proposed access from Wotton Road would itself introduce a suburban form and provide views through to the rest of the development. The impact would be exacerbated by the removal of the undergrowth and trees necessary to facilitate the visibility splays. The presence of an access to a

suburban style development in an otherwise rural environment would appear highly incongruous. As such I consider that the development would be materially harmful to the existing character of the area. The comments made on this issue within the PSP Plan 'Appraisal of site options for Rangeworthy - Site 12' also adds further weight to these findings.

27. The core principles laid out in the Framework make it clear that planning should take account of the different roles and character of different areas, should recognise the intrinsic character and beauty of the countryside and should contribute to conserving and enhancing the natural environment; at a local level there is also a range of policies which seek to conserve and enhance the character of an area. These include Core Strategy Policy CS1, which states that development will only be permitted where the highest possible standards of design and site planning are achieved and Policy CS9 which seeks to conserve and enhance the character, quality, distinctiveness and amenity of the landscape. Additionally Local Plan Policy L1 seeks to conserve and enhance the landscape of South Gloucestershire. In light of my earlier findings I consider that the development would be contrary to those local policies and national principles identified above.

*ii) Heritage assets*

28. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes duties requiring special regard to be had to the desirability, at Section 16(2), of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
29. The Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Furthermore, national policy<sup>4</sup> defines the setting of a heritage asset as the surroundings in which it is experienced. It goes on to note that the extent of a setting is not fixed and may change as the asset and its surroundings evolve.
30. Rangeworthy Court is an 17th Century manor house which is the most imposing building in this part of the village. The Court stands in its own grounds, with its principal elevation to the west and is generally well-screened by trees to the south and east. There are views towards the Court from a number of points, particularly from within the appeal site and from Wotton Road. Indeed, in views from Wotton Road, when approaching the appeal site from the north, the land is open and retains much of its agricultural character so that, despite the residential development elsewhere in the locality, it still serves to convey the original rural setting of the Court, detached from the main village.
31. The proposed development would be somewhat sub-urban in form and character so that, in effect, the Court would become absorbed into this urban form. The loss of this historic relationship between the Court and the countryside would have an adverse effect on the setting of this heritage asset, particularly where the development would close up the last remaining gap between the Court and the village.

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<sup>4</sup> National Planning Policy Framework, Annex 2: Glossary

32. Holy Trinity Church sits immediately to the west of the Court. It is an 11th century Anglican parish church, which has been altered, extended and restored in subsequent years. From the appeal site only the church bell tower is visible. As a result I concur with the comments made by Historic England that the Church has little visual relationship with the appeal site. Nevertheless, the Church and the Court form an interesting group of buildings which maintain a strong relationship with the surrounding pastoral landscape, of which the appeal site forms part. Therefore the appeal site makes an important contribution to this historic setting.
33. The proposed development of 10 dwellings would materially close up the historic gap between these heritage assets and the village, thus diminishing their overall significance. Accordingly, the development would be contrary to Core Strategy Policy CS9, which requires, amongst other matters, that new developments ensure heritage assets are conserved, respected and enhanced in a manner appropriate to their significance.
34. However, the proposal would provide some public benefit in the context of providing 10 additional dwellings. I have attributed considerable importance and weight to the duty and the presumptive desirability of preserving the setting of the listed buildings, which I do not consider, for the reasons stated above, are outweighed by any benefits of the proposal. In particular, having regard to the Framework, I find that the harm is not outweighed by any public benefit.
- iii) highway safety*
35. The appeal site is currently accessed from Church Lane, a narrow rural no-through road. As I saw on my site visit the road is subject to fairly high levels of vehicular traffic, at certain times of the day, due to the nearby primary school and Church. Additionally, the highway forms part of the Jubilee Way, a Public Right of Way, which results in increased pedestrians movements along the highway. Whilst there are no footways the alignment of the road is such that vehicles and pedestrians from both directions have good visibility of any oncoming traffic and can respond accordingly.
36. However, the proposed development would increase the number of vehicle movements along Church Lane and thus increase the potential for conflict between various highway users, particularly when children arrive and depart the primary school. To reduce such conflicts the appellant states that an additional access would be created off Wotton Road, which would facilitate a separate access and egress through the site. The 'through' road would assist in reducing the manoeuvring of traffic associated with the school along Church Lane, particularly vehicles turning at the end of Church Lane. A lay-by would also form part of the proposal to provide additional parking at school drop off / pick up times to also ease the pressure and expedite the free flow of traffic on Church Lane.
37. The Highway Authority has stated that they "*acknowledge the benefits that these arrangements would bring and provided that the new parking area was controlled by Traffic Regulation Order, there would be no objection to this part of the scheme*". With no substantive evidence to the contrary I place great weight on the Highway Authority's comments.

38. Subject to the implementation of these measures, through appropriate planning conditions and the UU, the proposed development would not have a severe impact on highway safety in Church Lane or Wotton Road. As such the highway safety considerations in Local Plan Policy T12 would remain uncompromised. It would also not result in residual cumulative impacts on highway safety which are severe and as such paragraph 32 of the Framework would not be applicable.
39. Clearly the benefits of the development have to be set against the loss of open countryside, leading to a significant change in the local landscape, and the harm to the setting of heritage assets. The lack of harm I have found in respect of highway safety is neutral in the final balance as this is expected of all developments.

*Other matters*

40. The appellant has submitted a planning obligation (dated 3rd December 2015), pursuant to S106 of the Town and Country Planning Act 1990. This agreement is intended to secure the provision of 3 affordable housing units and contributions towards Traffic Regulation Orders required for the improvement works to Church Lane and off-site public open space.
41. I consider that the proposed contributions and affordable housing provision would be necessary to make the development acceptable in planning terms, would be directly related to it and would be fairly and reasonably related to it in scale and kind.
42. In consequence the submitted obligation as a whole meets the tests set out in the Framework and the Community Infrastructure Levy (CIL) Regulations 2010. However, in terms of the overall planning balance it is only the provision of affordable housing that should attract weight in the overall planning balance; the other provisions merely seek to mitigate the effects of the development.
43. I acknowledge the comments made in regard to the relocation of the primary school. However, no planning application has been submitted and I have no evidence that the funding is in place to deliver such a relocation. Accordingly, I give this matter little weight.

**Conclusion**

44. The Framework, at Paragraph 49, is clear that housing applications should be considered in the context of the presumption in favour of sustainable development. According to the Framework, at paragraph 14, that means that when, as here, there is no five year housing land supply and relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole or specific Framework policies indicate that development should be restricted.
45. There are some clear benefits to the proposal; in light of the Council's housing land supply situation the provision of 10 housing units must carry significant weight in its favour, as must the provision of 3 units of affordable housing secured through the UU. There would also be additional smaller benefits including the economic benefits to Rangeworthy in terms of additional revenue for services. I consider that these should be accorded moderate weight.

46. Weighed against the benefits of the proposal I have found that future occupiers would be highly dependant on the use of private motor vehicles to access day to day needs, there would be significant harm to the character and appearance of the area and to the setting of the Grade II\* listed buildings. In my judgement that harm would, for the reasons above, be sufficient to significantly and demonstrably outweigh the benefits of the development. In consequence I do not consider that the proposed development can be regarded as sustainable.
47. The proposed development would be contrary to the development plan. Notwithstanding the benefits of the proposal and the fact that the Framework is a weighty material consideration that seeks to boost significantly the supply of housing, having had regard to all matters before me I find nothing to outweigh the development plan conflict. I therefore conclude that the appeal should be dismissed.

*Joanne Jones*

INSPECTOR

Richborough Estates