



Appeal Decision

Hearing held on 14 September 2022

Site visit made on 14 September 2022

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2022

Appeal Ref: APP/C1625/W/22/3295851

The Berryfield Sports Field, Bristol Road Old, Stonehouse GL10 2BQ

- 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 Wycliffe College and The Guinness Partnership against the decision of Stroud District Council.
 - The application Ref S.20/2161/FUL, dated 7 October 2020, was refused by notice dated 22 October 2021.
 - The development proposed is the erection of 52 dwellings with associated access, parking and landscaping, together with a new sports pavilion with associated facilities.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for an award of costs was made by Wycliffe College and The Guinness Partnership against Stroud District Council. This application is the subject of a separate decision.

Preliminary Matters

3. In the appeal statement and at the hearing, the Council corrected errors in the policy references in the reasons for refusal. It was explained that the first reason for refusal should have referred to Policy ENV2 of the Stonehouse Neighbourhood Development Plan 2016-2031 (made 2018) (the Neighbourhood Plan) rather than Policy ENV3(i). With the third reason for refusal, the Council has explained that the reference to Policy ENV3(e)(iii) of the Neighbourhood Plan should have been to Policy ENV3(iii).
4. I am satisfied that the appellants have had time, since the receipt of the appeal statement, to consider these corrections and had the opportunity to make the case at the hearing regarding the implications of these policies for the development.
5. A planning agreement under section 106 of the Town and Country Planning Act 1990 has been submitted and contains a number of obligations. I will consider the agreement later in this decision.

Main Issues

6. The main issues are the effect of the proposal on:
 - the character and appearance of the area,

- on views and vistas, in particular to Doverow Hill,
- the biodiversity of the area,
- and when examining the overall planning balance, whether or not the proposal would accord with the development plan when considered as a whole and, if not, whether or not material considerations, including the provision of affordable housing, indicate a decision should be made otherwise.

Reasons

Character and appearance

7. The Berryfield is a fairly extensive area of private, open space within the built-up area of Stonehouse. It is owned and used by Wycliffe College, a local independent school. The space is generally level, mainly laid to grass and includes 4 formal football/rugby pitches. There is also a somewhat more irregular shaped part of the Berryfield, to the generally west. The evidence indicates that this grass space has been regularly mown and used for more informal recreational activity on occasions in the past, and in recent years has been mown on a more infrequent basis such that at times the grass has been longer.
8. There is no public access to the Berryfield. However, a public footpath (Church Path¹) runs along the north-western boundary and this allows fairly extensive views through the fencing into and across the Berryfield. There are also some views from the Laburnum Walk Recreation Ground through the boundary fence into the Berryfield. Because of the nature of the boundary fence with the Recreation Ground there is some perception, particularly from the Recreation Ground, that the spaces visually combine to create a single open and green area within this part of Stonehouse.
9. However, it is from Church Path that the most extensive public views of the Berryfield are available. The evidence indicates that this is a well-used route linking areas of housing with the High Street and other services and facilities. While the fence along the boundary is reasonably functional in its appearance, the footpath still allows walkers to appreciate the wide expanse of the Berryfield, including the mature trees dotted around the far boundaries that often soften and partially screen the surrounding buildings. There are also some mature trees within the Berryfield adjoining Church Path which add to the verdant feel to this edge of the sports field.
10. Furthermore, the character of the open area is significantly enhanced by the longer distance views available from sections of Church Path of Doverow Hill and Selsley Common, within the Cotswolds Area of Outstanding Natural Beauty (AONB). This rural backdrop provides a visual connection to the countryside beyond the settlement, and in combination with the open, expansive and verdant appearance of the Berryfield itself, means that this open space within the built-up area makes a very positive and significant contribution to the character and appearance of this part of Stonehouse. Consequently, for those walking the length of this section of Church Path, notwithstanding the boundary treatments to the rear of some of the existing housing and the boundary fence, it is a pleasant experience that provides visual relief from the more built up

¹ Church Path is also referred to as Church Walk in some submissions.

areas of this part of Stonehouse. Indeed I consider that it forms a focal point for walkers when using the connecting footpath through this part of Stonehouse.

11. In terms of the planning background to the Berryfield, the Secretary of State appeal decisions in 1995 have been highlighted by the Council. I accept that there have been a range of changes to the area since the appeals in 1995, in particular it seems the boundary treatment along Church Path has become more formal and imposing. Nevertheless, in many respects my conclusion on the visual importance of the Berryfield to the character and appearance of the area is broadly similar to the Inspector who considered the two recovered appeals for residential development (in outline) on all and a part of the Berryfield².
12. I am also conscious of the references in various documents that support the view that the Berryfield is of significance as an open space within this part of Stonehouse. I note that the Stonehouse Design Statement, adopted in 2005, referenced the then Stroud Local Plan which identified the Berryfield as a protected outdoor playspace. This Design Statement makes reference to the Berryfield as a key open space which allows glorious views of the Cotswold Escarpment and Doverow Hill. The accompanying photograph shows the view from within the private sports field but the text references the marvellous views to the hills which can be savoured when walking along the public footpath from Quietways to St Cyr's Church.
13. More recently, the Stonehouse Town Character Assessment 2016, which has been used to inform the Neighbourhood Plan, explains that for the area West of High Street, the playing fields give some sections of this area a green and open character. The Character Assessment provides examples of open space and this includes the Berryfield. The photograph in the Character Assessment, in terms of the open space and a key view from the Berryfield, is again from within the private space but it is not dissimilar to some views from sections of Church Path.
14. Furthermore, the Neighbourhood Plan itself explains that valued green and blue infrastructure are identified on Map 10 in the Neighbourhood Plan and this includes the Berryfield (and the adjoining Recreation Ground) as "protected outdoor playspace". In turn this relates to Policy ENV2 of the Neighbourhood Plan concerning support for Stonehouse's green infrastructure network.
15. I reference these documents, including the 1995 appeal decisions, because they show, in my view, that there has been a fairly consistent acknowledgement in identifying, and with some related protection, the Berryfield as an important open space within the built-up area of Stonehouse.
16. Turning to the proposed development, the appeal site consists of a generally western section of the Berryfield, although the access and proposed pavilion are within the more southerly parts of the site. The proposed housing red lined area would extend across the field from the boundary with Church Path to about as far as the edge of Laburnum Mews and extend the length of the footpath. The majority of the Berryfield would be retained as sports pitches.

² APP/C1625/A/94/242140 and APP/C1265/A/94/244485

17. The scheme shows that the metal fence would be removed and an area of landscaping would be provided running parallel with Church Path. This area would include the existing trees and further planting. The removal of the fence would provide a visual benefit to walkers and a feeling of less enclosure alongside Church Path, and the planting once matured would produce a verdant feature.
18. However, instead of the open views of the sports field there would generally be experienced groups of buildings adjoining the access road albeit that the northern section would have a wider landscaped area. I consider that much of the view from the footpath would be dominated by the housing, car parking and the access road, which would be sited the other side of the landscaped area. The more immediate views through the spaces between the proposed buildings themselves would generally be of other housing, roads, fencing or parking areas, albeit that the views would be softened by the existing and proposed planting.
19. In this context the landscaping area parallel with the footpath would appear as a reasonably minor strip of landscaping and its intended visual benefit would be compromised because of the fairly immediate presence of the residential development. While the residential development in itself would be of a good quality and well designed, it would, on this site, signal a dramatic and harmful change compared with the positive characteristics of the present open field area adjoining the footpath.
20. Furthermore, many of the existing open and expansive views across the appeal site and through to the land beyond would be substantially lost. The wider open space character which contributes very positively to this part of the settlement character would be replaced with predominantly a built form that would be experienced along much of the length of this part of Church Path. The longer distant views to the AONB would likely be reduced to mainly glimpsed views between and over some buildings. The form and extent of the built development, although well-designed in itself, would erode to a large extent the locally distinctive aspects of this open space and the way that it contributes to the pleasant walk along Church Path. Overall, the positive visual contribution that this section of the Berryfield makes to this part of Stonehouse would be adversely and severely undermined.
21. I accept that the majority of the Berryfield would be retained as open space and be able to be used as now with the 4 pitches. Also the views from the Recreation Ground would be compromised only to a modest extent because there would be open space in the foreground of these views. Furthermore, additional public views would be generated from the new access road within the site and from the new residential units. However, this would not overcome the visual harm to the character and appearance of the area that I have identified for walkers along Church Path.
22. I have carefully considered all the evidence on this matter and especially the Landscape and Visual Appraisal (LVA), the CGIs, the photomontages and the appellants' appeal Landscape Statement. In particular, having regard to the analysis within the LVA, I consider that the adverse effect on the landscape character and visual amenity of the area would be more marked, even when the landscaping has matured, than articulated in this document and that the mitigation provided, including by the removal of the fence and the landscaping

strip parallel with the footpath, would not compensate for the effects of the housing on this open land as much as anticipated.

23. I appreciate that the Berryfield has not been identified as a Local Green Space in the Stroud District Local Plan (adopted November 2015) (the Local Plan) or Neighbourhood Plan. However, it is designated as a protected outdoor playspace in the Neighbourhood Plan forming part of the green infrastructure of Stonehouse. The development of an important and one of the most publicly visible sections of the Berryfield, even with the retention of the majority of the open space, because of the harm that I have identified, would not comply with the approach in Policy ENV2 of the Neighbourhood Plan to maintain and enhance the local valued green and blue infrastructure network.
24. As an existing open space, the Berryfield is also subject to Policy ES13 of the Local Plan. There is no conflict with the elements of this policy concerning open space use. However, for the reasons I have explained, the development would harm to a significant adverse extent the contribution it makes to the distinctive form, character and setting of this part of Stonehouse and would detract from its visual appearance as a focal point within this part of the built-up area. In these circumstances, there would be a clear and substantial conflict with the requirements of Policy ES13 of the Local Plan.
25. It follows that in these respects, the presence of the housing scheme on this open space would not accord with the National Planning Policy Framework (the Framework) requirements that development should be sympathetic to local character and maintain a strong sense of place.
26. In the light of the above analysis, I conclude that the proposal would harm the character and appearance of the area. In particular, the scheme would conflict with Policy ES13 of the Local Plan and Policy ENV2 of the Neighbourhood Plan which, amongst other things, set criteria for the consideration of the protection of open and green spaces.

Views and vistas

27. In terms of this main issue, concerning views and vistas, there is some overlap with the previous main issue, as those views and vistas also contribute to the overall character and appearance of the Berryfield. However, they are also identified as an important issue for Stonehouse in their own right in the Neighbourhood Plan.
28. The Neighbourhood Plan explains that the setting of Stonehouse, below the Cotswold escarpment within the AONB, with views of the commons, hills and Severn Vale visible from many parts of the town, is an important characteristic of Stonehouse which is highly valued by the local community.
29. One of the views and vistas which the Neighbourhood Plan, in Policy ENV6, identifies as important to Stonehouse is to and from the Doverow Hill escarpment. Map 14 of the Neighbourhood Plan highlights some of the important views and this includes examples of glimpsed and more open views of Doverow Hill.
30. As I have explained above, from sections of Church Path, through the fence and between the trees, walkers benefit from attractive, longer distance views of Doverow Hill. The escarpment forms part of the backdrop to the Berryfield and provides a visual connection to the countryside beyond the settlement.

31. Although the housing development would be set back as shown on the plans from this part of the footpath, it would, nevertheless, because of its height, position and extent, become quite a dominant presence for walkers in many of their views across the appeal site.
32. As a consequence, the development would have a significant adverse impact on the valued and locally distinctive views and vistas of Doverow Hill because it would detract from or obstruct many of those existing open and expansive views from sections of Church Path. This harm would conflict with Policy ENV6 of the Neighbourhood Plan. This harm and policy conflict would not be compensated for by the proposed new public views including from the estate road within the proposed development and the views from the new properties.
33. There are views from Doverow Hill, within the Cotswolds AONB, back across to Stonehouse and the wider countryside. Within these views the Berryfield is discernible as an open space but it is a reasonably small element in a wide ranging vista. The built form of Stonehouse includes many buildings which are often softened by mature trees and some green spaces. The proposed development would, in these views, be seen with the remainder of the Berryfield in the foreground and once the proposed planting had matured, the new residential development would merge into the background and not draw the eye. As a consequence, the development would create no adverse effect on the setting of the AONB or detract from the views and vistas from Doverow Hill.
34. Notwithstanding that there would be no harm in views from Doverow Hill, I conclude that the scheme, for the reasons explained, would cause a significant adverse impact on the views and vistas to Doverow Hill from sections of the Church Path footpath. As a consequence, the development would fail Policy ENV6 of the Neighbourhood Plan which seeks, amongst other things, to conserve views and vistas important to Stonehouse.

Biodiversity

35. The majority of the appeal site is grassland that has been regularly cut, it seems more frequently in the past, and in the last few years about a couple of times a year. This area proposed for the housing is located broadly north of a somewhat overgrown area within the Wycliffe College land ownership which consists of some trees, bushes and small areas of open space which have been used for outside storage. It is within this area that there are badger setts. To the broadly west of this overgrown area is the disused railway line and adjoining, on the other side of the footpath, is Court View Ponds.
36. Court View Ponds was created as part of the housing development nearby and is a Local Wildlife Site and designated as Local Green Space in the Neighbourhood Plan. The ponds provide an important habitat for a population of Great Crested Newts (GCNs).
37. The reason for refusal identifies that the proposed development fails to provide sufficient biodiversity gain to offset the impact of the proposed development in respect of existing habitat on the site and nearby ecological sensitive areas (Court View Ponds). It seems to me that this appears to conflate two biodiversity issues, namely whether any unacceptable harm would occur to protected species/habitat on the site and/or adjoining land, and whether or not the scheme would lead to a sufficient biodiversity net gain.

38. In respect of protected species, I have taken into account the views of the Gloucestershire Wildlife Trust and the Stroud Valleys Project. However, the evidence indicates there would be little effect from the development from the loss of the grassland areas on the present habitat and movement of GCNs. Any GCNs which exceptionally may be found within the grassland area prior to work commencing could be relocated back to the Ponds area in accordance with details subject to a condition. While some of the concerns expressed are that the development may undermine the buffer to the Ponds site and isolate the population of GCNs, the evidence is that the population is already isolated. The appellant has entered into an agreement with the District Licence scheme for GCNs and the result would be that the wider and overall effect on GCNs from the development would be positive. Accordingly, the scheme when considered as a whole would be acceptable in relation to the impact on GCNs.
39. There has been survey work which shows a wide range of bat species are present, usually foraging, across parts of the appeal site. It is common ground with the Council that subject to appropriate conditions attached to any permission, to include lighting requirements, that the effect of the development on bats would be acceptable. I agree.
40. At the hearing, there was a discussion regarding the badger clan and their setts within the overgrown area to the broadly south of the proposed housing. This is outside the appeal site and there are concerns from the Council, in particular, that the ability for badgers to forage on the open spaces of the Berryfield would be lost by the development because of the housing and the related fencing. However, while this available grassland area would be significantly reduced, it would not be lost entirely to the badgers, their setts would not be disturbed and the area where they are found would be enhanced by the proposal. Badgers would still, for instance, have access to the other undeveloped areas in and around the old railway line. The appellants' ecological consultant had worked with the Council's Biodiversity Officer on these matters at the application stage and the Biodiversity Officer did not raise an issue with the effect of the development on badgers. I give weight to this background information and, on balance, I am satisfied that the development should not have a materially adverse effect on the local badger population.
41. In terms of other habitats on the site, the trees alongside Church Path would be retained and would be unaffected by the scheme. Additional planting would take place in accordance with the detailed landscaping scheme. I am not convinced by the concerns that planting in proximity to the trees would be unsuccessful if managed in an appropriate way. Consequently, in terms of general habitat on the appeal site, while the grassland would be lost (and I consider this matter later), there does not appear to me to be an effect on any species or loss of habitat that is of material significance.
42. Taking these matters together, after reviewing all the survey work and evidence both in writing and at the hearing, I am satisfied that there would not be an unacceptable effect on protected species or habitat, both on the site nor on neighbouring land.
43. In terms of biodiversity net gain, the Framework requires that decisions should contribute to and enhance the natural and local environment, including by minimising impacts on and providing net gains for biodiversity. There is a similar approach in Policy ES6 of the Local Plan where all new development is

required to conserve and enhance the natural environment, including all sites of biodiversity. Policy ENV1 of the Local Plan places a slightly different test in that development, in summary, should conserve, and where appropriate, enhance the biodiversity of a site.

44. The policies, therefore, do not specify the level of net gain that is required, simply that it be an enhancement. Provided there is a net gain to biodiversity the policy approach would be met. In this case, the reason for refusal says that the gain would not be sufficient. This indicates that the Council consider that there would be a net gain to biodiversity but that it would not be enough. However, based on the policy approach and the wording of the reason for refusal and, in particular, with the use of the word sufficient, it would appear that the policy requirements would be met in terms of a net gain to biodiversity.
45. Examining the application details themselves, when the related ecological survey work was undertaken the grass had been cut and the ecological report identified the proposed area for the housing as amenity grassland and therefore of limited ecological value. This was inputted into the biodiversity metric, and with enhancements including to the area south of the proposed residential development, a net gain to biodiversity of over 8% was calculated.
46. At the appeal stage the Council's evidence on the ecological issues was set out. In particular, it was argued that the grassland was of more significance ecologically than previously considered because it had been allowed to grow and now incorporated a wide range of grass and other species that were more valuable from an ecological point of view. It was argued it should be categorised as "other neutral grassland" rather than "amenity grassland". In coming to this conclusion the Council's consultant explained that he had viewed the grassland area from the footpath and identified species within the site that led to the classification as other neutral grassland, and that when the calculations on biodiversity net gain were undertaken, the scheme would likely lead to a reduction in the biodiversity of the site.
47. The Council's ecological consultant and the appellants' consultant are both experienced and suitably qualified to make a judgement on this matter. However, the Council's ecological consultant had not surveyed the site from the land itself. Also some ecological assessments of parts of the site, such as the area south of the proposed residential development, were undertaken from the published material and from aerial photographs because of the limited visibility from public areas. This survey approach, compared with that of the appellants' consultant and the detailed and various on-site surveys that took place, reduces the weight that I can attach to these particular ecological conclusions set out by the Council at the appeal stage.
48. Although there was detailed species listed for the grassland within the Council's ecological statement, at the time of the hearing visit, the grass had again been cut. In response to the Council's appeal evidence, the appellants' ecological consultant explained that, in his view, the cutting regime suppresses the biodiversity value of the grassland and he was satisfied with his assessment of the sward and its limited contribution to the biodiversity of the site.
49. In terms of other evidence on this issue, the Council's planning consultant has commented in his statement that the grass in the proposed housing area has become overgrown in recent months but aerial photography demonstrates that

it has always be maintained, in common with the land to the east, in a manner akin to a playing field with a regular cutting regime to a short sward. This appears to support the understanding of the situation and analysis of the appellants' ecological consultant and that this cutting regime would be likely to reduce the biodiversity value of the grassland. It seems to me that the information on how regularly the grass was cut in this area, and its effect on biodiversity, does not appear to have been taken fully into account in the ecological assessment from the Council's ecological consultant at the appeal stage. This reduces the weight that I can attach to the related conclusions.

50. Furthermore, the Planning Practice Guidance provides information on the approach to assessing biodiversity net gain and in particular what is the baseline³. This explains that the existing biodiversity value of a development site will need to be assessed at the point that planning permission is applied for. This is the approach that the appellant has taken, with detailed survey work undertaken at and before that time, as well as liaison with the Council's Biodiversity Officer who raised no issue to the scheme in this respect.
51. To summarise, the Council's ecological consultant at the appeal stage has raised concerns and questions the biodiversity gain element of the scheme. However, the appellants' consultant has approached the issue in accordance with best practice, used an appropriate metric, liaised with the Council during the survey works, and calculates a net gain to biodiversity. I give greatest weight to this finding.
52. As a consequence, I conclude that the scheme would result in a net gain to biodiversity. I have already concluded that there would be no unacceptable adverse impacts on protected species or habitats, on or near the site. It follows that the development would not have an adverse effect on biodiversity and overall, because of the net gain, the effect would be positive. The scheme, in these respects, would accord with Policy ES6 of the Local Plan, Policies ENV1 and ENV3 of the Neighbourhood Plan and the Framework which, notably, seeks to conserve and enhance the biodiversity of the area.

Other Matters

53. *Highways* - The Council did not refuse the development based on its highway impacts. Indeed, the application was accompanied by a range of detailed reports including an analysis of the likely effects that satisfied the County Highway Authority that the scheme would not cause unacceptable impacts from a traffic generation and safety point of view. However, local residents and the Town Council have consistently, at both the application and appeal stage, made detailed highway representations including that the access would not be sufficient to accommodate the additional traffic and that there would be related safety issues associated with the A419 (Bristol Road).
54. Consequently, prior to the hearing I indicated that I would wish to receive comments on the highway situation from the main parties as part of my consideration of the proposal.
55. The A419 is quite a busy road and my observations, although only a snap shot in time, indicate that there is at times a fairly constant flow of traffic in both directions. However, sometimes there are gaps in the traffic, especially it

³ Paragraph: 026 Reference ID: 8-026-20190721

- seems to me with traffic coming from the east along the A419 due to the traffic lights at Downton Road changing and redirecting the flow.
56. Various accidents along this road have been highlighted in the evidence, which have occurred both before and after the changes to the Downton Road junction. While they are a cause for concern, and one was a fatal accident towards the Downton Road area, the accidents do not appear to be directly related to the junction off the A419 which would lead to the appeal site.
57. The recent road alterations at the Downton Road junction were raised as a concern with traffic said to be often moving at speed away from the lights to try to get ahead of other vehicles before the two lanes merge into one. The merging of the lanes takes place before the turning off the A419 leading to the appeal site and I am satisfied by the evidence of the highway consultants and County Highway Engineer that the merged process should not materially affect the safety at the junction to the appeal site. It may mean that traffic would need to wait on the A419 while a vehicle turns right towards the appeal site but I am not convinced by the evidence that this should necessarily lead to accidents on this road.
58. The movement data, while disputed by local residents, is based on the TRICS database which is an industry and well established standard. While the increase in traffic as a result of the development would lead to increased wait times to leave the Old Bristol Road and join the A419, especially at peak times, the technical information does not lead me to consider that this would be unreasonable.
59. I have also carefully considered the relationship of the access from the site and the National Cycle Route that passes along its frontage. It may be with the planned improvements and additional connections to the network that cycle movements would increase over the present level. However, even if that was to occur, there should be adequate forward visibility for all types of users in and around the access to the appeal site such that there should not be conflict between cyclists and vehicle users that would lead to unacceptable safety issues.
60. Taking all the highway issues that have been raised, the main issues which I have examined above, I give substantial weight to the conclusions of the highway consultants and that of the County Highway Authority. I am satisfied that in terms of the policy tests set by the Framework that a safe and suitable access can be achieved for all users, that there would be no unacceptable impact on highway safety and that the residual cumulative impacts on the road network would not be severe. While I understand the strongly held views of local residents and the Town Council with regard to the highway matters, for the reasons explained above, I find that the highway implications of the development would be satisfactory.
61. *Living conditions* - I am conscious of the representations regarding the impact of the development on the living conditions of occupants of some of the surrounding residential properties. At my site visit, I especially looked at the relationship of the development to 4-7 Laburnum Mews and 1 and 2 Bristol Road.
62. The rear windows of the dwellings on Plots 1-7 of the proposed development would face towards the rear of 4-7 Laburnum Mews, which are presently fairly

- open to the Berryfield. The development would lead to some intervisibility between rear facing windows. However, the relationship would not be unusual in a built-up location and, with suitable rear boundary treatments to prevent ground level views, the situation would be satisfactory.
63. At my site visit, I viewed 2 Bristol Road both internally and externally. This property does not benefit from solid rear boundary treatments, has side ground floor windows that face the access and rear, ground and first, floor windows that would face towards the parking area for the sports pavilion. The development would alter the open and green views of the Berryfield for the occupants of No 2. Also, compared with the present fairly infrequent traffic movements associated with the Berryfield, there would be a substantial increase in vehicles resulting from the new housing and from cars and coaches in association with the pavilion.
64. This increase in traffic movements to the rear and passing to the side of No 2 would be noticeable to the occupants of this property. I appreciate that they would wish to retain the present open aspect from their garden and the relationship to the green field of the Berryfield. However, properties in general would normally have some form of more substantial boundary treatments to a rear garden. If that was to be the case with No 2, the effect of day to day movements of traffic and parking associated with the development could be reduced. Overall, I consider the relationship of the property to the access and parking area would not lead to a level of disturbance from traffic movements and other activity that would impact to an unreasonable extent on the living conditions of the occupants of this property.
65. In terms of the effect of the development and its relationship to the side windows at ground floor level at No 2, it seems these windows have fairly recently been inserted in conjunction with the rear extension. The windows face the adjoining private land of the access. The proposed footway would be on the other side of the road and there is a level difference as the road is on a higher level than the dwelling. With an appropriate landscaping scheme alongside the verge by the side of No 2, and with the distances involved, I do not consider that the situation would cause material harm or unacceptable overlooking, notwithstanding the detailed representations I have received on this issue. To conclude, while I appreciate the concerns that the occupants of No 2 have with the development and the related impacts on their property, the situation would not cause such harm to the living conditions of the present and future occupants of this property that the scheme should be considered unacceptable in this respect.
66. 1 Bristol Road is also located by the entrance to the site. The property has good boundary screening and is predominantly single storey although with rear rooflights and a side dormer facing the access road. I am conscious of the circumstances of the residents of this property and the background information that has been supplied. However, given the relationship to the access and the likely movements during construction, and in subsequent occupation of the housing and sports pavilion, I consider that the effect on the living conditions would, in the circumstances of this property and its boundary screening, be satisfactory.

67. *Pavilion* - The sports pavilion would be positioned within the site so its appearance and use would not materially affect the amenities of the occupants of neighbouring properties. Furthermore, the design and overall bulk would be suitable and appropriate for its purpose on this sports field site.
68. *Other issues* - I have had regard to all the other objections, including from local residents, the Town Council and other bodies, including concerns with the effects of the development on local air pollution and lack of on-site play space for the residents of the new housing. However, these matters do not lead me to a different conclusion on the main issues in this appeal. I have also taken into account the letter of support at the appeal stage which indicates that the planning balance should fall in favour of the proposal because of the clear benefits of the scheme.

Planning Obligations

69. The proposal is accompanied by a signed and executed planning agreement. This includes obligations in respect of a Severn Estuary Mitigation Contribution, delivery of 30% affordable housing, management of the on-site open space, circumstances pertaining to the delivery of 100% affordable housing, community use obligations and requirements in respect of the Council spending the Severn Estuary Mitigation Contribution.
70. Planning obligations must only be sought where they meet three tests as set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (CIL Regulations). The tests are that each obligation should be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development.
71. The Severn Estuary Mitigation Contribution, and the related obligation for the Council to spend the contribution on mitigating the impact of the development on the Severn Estuary Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site, is essential to meet the requirements of the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations), as I will explain below. Consequently, these obligations meet with the CIL Regulations tests.
72. The provision of the on-site open space obligation, with the requirements for a management company to maintain these areas, is necessary for the future good appearance and management of these areas in the interests of biodiversity and the character and appearance of the area. This obligation meets with the CIL Regulations tests.
73. The affordable housing obligation would require delivery of 30% (16) of the units as affordable housing. This obligation is required to meet with the requirements of Policy CP9 of the Local Plan. This is necessary to make the scheme policy compliant and this obligation would meet with the CIL Regulation tests.
74. The additional affordable housing requirement obligates one of the appellants, and signatory to the agreement, The Guinness Partnership, that if they were to purchase the site before occupation of the housing, to provide all 52 units (100%) as affordable housing. Part of the tenure mix would include some larger social rented housing which would meet a particular local requirement.

This level of affordable housing delivery would be beyond the Local Plan policy requirement. However, given the importance of this matter in the overall planning balance, my findings later in terms of the consideration of the scheme against the development plan as a whole, the integral nature of how the proposal has been argued and formulated to deliver affordable housing, I am satisfied that this obligation would meet with the CIL Regulations tests.

75. The scheme involves the loss of a section of the playing field land along the very broadly western part of the Berryfield. I am conscious of the advice of Sport England, the tests that it has for the consideration of the loss of playing fields, the requirements of the Framework and the sections of Policy ES13 of the Local Plan that refer to open space use. In summary, Sport England accept the loss of part of the open space at the Berryfield on the basis that there would be use of the Pavilion including for public fitness classes and a community use agreement for the use of the all-weather hockey pitch. The latter element was, in particular, supported by England Hockey. Sport England did not object to the application on this basis and considered that overall the wider use of these facilities by those beyond Wycliffe College was a net benefit. The obligation in the agreement that covers these matters would deliver these aspects of the scheme. I consider that both the public use of the pavilion including for fitness classes and the use of the all-weather hockey pitch as specified are both, individually and collectively, necessary to make the development acceptable in planning terms. They meet with the tests in the CIL Regulations.
76. The Council accept, and I have found no reason to disagree, that the scheme would not be viable to deliver the extent of affordable housing if there was a requirement to provide off-site contributions for pre-school places and library services. The figures that the Gloucestershire County Council Infrastructure Officer has provided indicate a combined requirement of about £227,000 would normally be required to off-set the impacts of the additional households on these services within the Stonehouse area. The inability of the scheme to fund these requirements would place pressure on these services. Nevertheless, I accept that the scheme cannot provide such a contribution and this is a matter which I attribute limited weight against the scheme.

Habitat Sites

77. The site falls within the 7.7km core catchment zone of the Severn Estuary SPA, SAC and Ramsar site. A net increase in housing within this zone would be likely to adversely affect the integrity of this habitat site because of the increase in recreational pressures. However, in accordance with the Council's avoidance mitigation strategy, a payment per additional dwelling is required to be secured through a planning agreement to mitigate this harm.
78. I have had regard to the advice of Natural England and the need for such a mitigation payment to accord with the published requirements. The appropriate payment to accord with the mitigation strategy has been secured through the planning agreement and additionally there is an obligation on the Council to spend the money on the required mitigation.
79. In these circumstances, the proposal, either alone or in combination with other schemes, would not have a significant or adverse effect on the integrity of the Severn Estuary SPA, SAC and Ramsar site. Consequently, when undertaking an appropriate assessment, the scheme would accord with the requirements of the

Habitats Regulations. The scheme would also meet, in this respect, with the associated requirements of Policy ES6 of the Local Plan.

80. The site also falls within the recreational zone of influence of the Cotswold Beechwoods SAC. Again without suitable mitigation additional households could, due to recreational pressure, adversely affect the integrity of this habitat site. Natural England commented on the Council's appropriate assessment at the planning application stage and was satisfied that with mitigation, particularly in the form of a homeowner information pack that includes information on recreational opportunities in the local area and describes the sensitivities of the Cotswold Beechwoods SAC, that the residents of the additional housing would not cause harm.
81. I am satisfied, given that this is an agreed and reasonably straight forward requirement to mitigate the recreational pressure, that this could be secured through the recommended planning condition in any approval.
82. In these circumstances, the proposal, either alone or in combination with other schemes, would not have a significant or adverse effect on the integrity of the Cotswold Beechwoods SAC. Consequently, when undertaking an appropriate assessment, the scheme would accord with the requirements of the Habitats Regulations. Again, the scheme would also meet, in this respect, with the associated requirements of Policy ES6 of the Local Plan.

Planning Balance

83. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise⁴.
84. Looking at the benefits of the scheme, the site for the housing would be located within the built-up area of Stonehouse, which is identified as an Accessible Local Service Centre – First Tier in Policy CP3 of the Local Plan. It is these settlements that the Policy specifies should be the primary focus for growth and development to safeguard and enhance their strategic roles as employment and service centres.
85. Indeed within the built-up area, the site is very well related to services and facilities. The development would have a direct link to Church Path and thereby occupants of the development would have a reasonably short walk to local schools, the medical surgery, shops and other services and facilities. Access to local bus services and the train station would also be good and convenient. Furthermore, it would be possible to cycle from the site, in particular, to the business parks to the west for employment purposes. Consequently, the new housing would be very accessible to local services and facilities on foot, by bicycle and with good links to public transport and this would mean that there would be very real alternatives for residents to use other than the private vehicle.
86. The Council can demonstrate a five year supply of deliverable housing land and the Housing Delivery Test shows delivery to meet housing requirements in the recent past. Nevertheless, the delivery of affordable housing has not met with the identified plan requirements. The evidence shows that there has been a

⁴ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

consistent and fairly substantial under delivery. The figures in the memo⁵ from the Senior Housing Strategy and Enabling Officer is that there is an overall unadjusted need for affordable housing of 424 dwellings per annum but that in the period 2016-2021 there was an average completion of 152 units per annum. This Officer advises that Stonehouse is very popular for those with an interest and need for affordable housing.

87. The scheme would provide 52 homes and this in itself merits substantial weight and would accord with the Government's policy objective set out in the Framework to significantly boost the supply of homes. The policy compliant provision of 30% affordable housing (16 units) in a plan area where there is an identified need for more affordable units also merits substantial weight in its own right.
88. The planning agreement allows for circumstances where the development could deliver 100% affordable housing for the 52 units. This additionality, were it to take place, would be very valuable given the level of affordable housing need and delivery across the plan area.
89. Furthermore, one of the applicants, The Guinness Partnership, is a well-regarded and long established body that delivers and manages affordable housing. It is a strategic partner of Homes England and has already drawn down grant money that could be allocated to the scheme. The evidence indicates that it has a contract to purchase the site subject to planning permission being granted. Given all this background there is a high probability that were planning permission to be granted the scheme would be delivered with 100% affordable housing.
90. Additionally, the evidence indicates that there is an experienced contractor lined up to undertake the construction work and, on this medium sized site, the scheme could be built out relatively quickly. The tenure mix would meet a local need and this delivery would be secured through the obligation were The Guinness Partnership to purchase the site. These circumstances, with the highly probable delivery of 100% affordable housing, on this windfall and accessible site in Stonehouse, should merit very substantial weight in support of the proposal.
91. In terms of other benefits, the scheme would deliver economic benefits to the local area during construction, although as this would be for a temporary period, I attribute this moderate weight. The economic and social benefits to the local area from the occupation of the residential units merit moderate weight on the basis that 52 units are proposed.
92. In terms of other matters, I have not found harm to protected species or associated habitats and this should be considered neutral in the overall analysis. However, there would be a biodiversity net gain with the related compliance with the associated policies and Framework. Given the level of net gain I attribute this benefit of the scheme moderate weight.
93. The maintenance of the open spaces within the site, as required by the related obligation, is necessary to maintain the character and appearance of this area and assist with biodiversity delivery. The need for the management to some

⁵ Dated 4 March 2022

extent results from the layout of the development and, in the circumstances, I attribute it limited weight in favour of the scheme.

94. The sale of the housing land would help cross subsidise the costs of the construction of the sports pavilion. Without a planning permission for the housing the improved sporting facilities for the pupils at Wycliffe College are unlikely to be realised. Additionally, the obligation to allow the pavilion to be used by the public at times including for public fitness classes and the use of the all-weather hockey pitch for local clubs is a benefit for local people and local sports clubs. This public access to the sports facilities would be a worthwhile local contribution and is necessary to address policy requirements. However, there would be some limits to use and it would be of a fairly modest scale. Consequently, this benefit, and the associated benefits from the new pavilion to the pupils at Wycliffe College, are matters I attribute moderate weight in support of the scheme.
95. The obligation to provide the Severn Estuary Mitigation Contribution and the condition to provide mitigation in respect of the Cotswold Beechwoods SAC are neutral in the overall analysis. This is because these measures would mitigate the harm that would likely to be caused by the recreational pressure from the additional residents.
96. The development would deliver a scheme that would be well designed in itself and provide a high standard of amenity for future occupants. However, these matters are Framework requirements of all development and therefore I attach limited weight to this as a benefit of the scheme.
97. I have examined the highway implications of the development above and consider the scheme would meet with the Framework policy tests. While the additional traffic could be accommodated satisfactorily this is not a benefit of the scheme and should be attributed neutral weight in the planning balance.
98. The impact of the construction works and subsequent occupation of the housing, and the use of the car park and pavilion, on the living conditions of adjoining residents is a matter that would not cause unreasonable harm. Accordingly, I attribute this matter neutral weight.
99. On the other hand, the scheme is identified as a protected outdoor playspace in the Neighbourhood Plan. I consider that this prominent, but private, part of the Berryfield, adjoining the footpath, makes a very significant contribution to the distinctive form, character and setting of this part of Stonehouse and acts as a focal point within this part of the built-up area. For the reasons explained, the scheme would cause substantial harm to the character and appearance of the area. Furthermore, the locally distinctive and existing views of Doverow Hill would be undermined to quite a large extent when viewed from some adjoining sections of Church Path. This would conflict with the approach to development in and around Stonehouse which is set out in the Neighbourhood Plan.
100. I am conscious that the Framework explains that neighbourhood planning gives communities the power to develop a shared vision for their area and that neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. It seems to me that the Stonehouse Neighbourhood Development Plan does that for Stonehouse, in part, where it identifies sites to be protected as part of the green infrastructure of the town and identifies the

locally important views and vistas. The proposed area for the housing within the Berryfield is an important section of the site which contributes very positively to the make-up of this part of the settlement and the Neighbourhood Plan, and its intentions for Stonehouse, are directly relevant to the issues in this appeal.

101. Policy CP3 of the Local Plan directs development to Stonehouse, but it does not direct development to this particular site. Also the affordable housing requirement under Policy CP9 of the Local Plan, while very important, is a requirement of all schemes of an appropriate size. On the other hand, Policies ENV2 and ENV6 of the Neighbourhood Plan are, in my view, especially applicable to consideration of development proposals on this part of the Berryfield, in particular as the Berryfield has been identified as part of the green infrastructure of Stonehouse.
102. I do not underestimate the significance and benefit that would accrue from the scheme and especially the ability of 52 families to have affordable accommodation in a very accessible location within Stonehouse. This is of particular importance when considering the under delivery of affordable housing and that this under delivery could persist in future years. These benefits receive policy support and are of very substantial weight. However, the site specific adverse effects resulting from the development are matters which I consider would be very harmful. This harm would conflict with relevant policies of the Local Plan and Neighbourhood Plan. Furthermore, because of this harm, the scheme would not meet with the environmental objective of sustainable development and thereby would not accord with Policy CP1 of the Local Plan.
103. In terms of the development plan as a whole, I consider that the harm to this part of the Berryfield and thereby the conflict especially with Policies ES13 of the Local Plan and Policies ENV2 and ENV6 of the Neighbourhood Plan would be to such an extent that it would not be outweighed by the compliance and support for the scheme from other policies of the development plan, in particular in terms of location, provision of affordable housing and biodiversity. The conflict with the identified development plan policies are of such relevance and importance to the consideration of this scheme that I conclude that the scheme would not accord with the development plan when considered as a whole.
104. In terms of all the other considerations, I attribute the combined benefits of the scheme, including the 100% provision of affordable housing, very substantial weight. However, my judgement is that the conflict with the development plan, which would result from the considerable level of harm that I have identified, is such that this would not be outweighed by the cumulative benefits resulting from the scheme.
105. Drawing all these matters together, it is my overall conclusion that the scheme would not comply with the development plan when considered as a whole and material considerations do not indicate a decision should be made otherwise. Planning conditions attached to any approval would not be able to address this harm and policy conflict.

Conclusion

106. I understand the collaborative process that the appellants have undertaken with the Council officers throughout the application process, the detailed submissions in support of the development, and that the scheme benefited from an officer recommendation to approve. However, for the above reasons, I conclude that the planning balance falls against the scheme and that the appeal should be dismissed.

David Wyborn

INSPECTOR

Richborough Estates

APPEARANCES

FOR THE APPELLANT

Mr Ben Read	Black Box Planning Ltd
Mr Will Gardner	The Environmental Dimension Partnership Ltd
Mr Jim Phillips	Ethos Environmental Planning Ltd
Mr Mike Glaze	Rappor Consultants Ltd
Mr Craig McDonald	The Guinness Partnership
Mr Mark Rickard	Wycliffe College

FOR THE LOCAL PLANNING AUTHORITY

Mr Mark Reynolds	Context Planning Ltd
Mr Matthew Pickard	MPEcology
Mr John Chaplin	Stroud District Council
Mr Stephen Hawley	Gloucestershire County Council

INTERESTED PARTIES

Cllr Nick Housden	Stroud District Council and Gloucestershire County Council
Cllr Gary Powell	Chair of Stonehouse Town Council
Mrs Claire Cleave	Save the Berryfield Action Group and Local Resident
Mr Peter Cleave	Save the Berryfield Action Group and Local Resident
Mr Glen Davis	Local Resident

DOCUMENTS SUBMITTED/CIRCULATED AT THE HEARING

1. Letter from the owner of 1 Bristol Road.
2. Two plans of the proposed development in paper copy
3. Highway Statement commenting on matters raised by local residents and Town Council