

## Appeal Decision

Site visit made on 17 August 2016

**by Andrew Dawe BSc(Hons) MSc MPhil MRTPI**

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

**Decision date: 22 February 2017**

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**Appeal Ref: APP/C1625/W/16/3150621**  
**Bath Road, Leonard Stanley GL10 3LP**

- 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 Terra Strategic (A trading name of BSL Strategic Ltd.) against the decision of Stroud District Council.
  - The application Ref S.15/1417/OUT, dated 10 June 2015, was refused by notice dated 20 January 2016.
  - The development proposed is residential development and nursery.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application was submitted in outline, with access, landscaping, layout and scale to be determined at this stage and the matter of appearance reserved for future consideration. The layout plans submitted are labelled as illustrative, however as layout is to be determined at this stage, I have considered this matter on the basis of those plans.
3. Since the submission of the appeal, further evidence has been submitted with regard to the Council's ability to demonstrate a five-year supply of deliverable housing sites (5 year HLS). Both parties are now in agreement that such a supply can be demonstrated and I have no reason to consider otherwise based on that further evidence. The relevant policies for the supply of housing can therefore be considered to be up-to-date in this respect, having regard to paragraph 49 of the National Planning Policy Framework (the Framework).

### Main Issues

4. The main issues are:
    - i) the effect of the proposed development on the character and appearance of the surrounding area;
    - ii) whether the site is an appropriate location for housing, having regard to the objectives of housing in the area.
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## Reasons

### *Character and appearance*

5. The site is located on existing agricultural land on the northern side of Bath Road with dwellings to the east, including a number set back from the main road, and to the west strung alongside the road. The main body of the settlement is located on the southern side of Bath Road and its north-eastern edge merges with development on the western side of the adjacent King's Stanley. To the north, northeast and most of the west of the site there is open, undulating, countryside comprising fields and woodland.
6. The proposal would be on agricultural land in the countryside, albeit immediately adjacent to existing dwellings in the village and not in a location where there would be any coalescence of settlements. The site connects to the wider open countryside beyond which has an intrinsically pleasant open character.
7. The proposed development would occupy a substantial area of land, currently comprising an open field. To some extent it would be between existing buildings, although there is a sizeable gap between them. Those proposed dwellings nearest to Bath Road would continue the existing ribbon form of development from the west of the site, and so would have a partial infilling effect but retaining a significant gap to the Grade II listed Grange to the east.
8. That would not be inconsistent with the 2005 Local Plan Inspector's conclusions in respect of that part of the current site shown as an omission site for about 15 dwellings. Although not allocated for housing it was not considered unsuitable for such development in principle. That though, was for a substantially smaller number of houses than the 44 now proposed, on a smaller site with less impact on the openness of the land forming the current site. It would have been more likely to relate closer to Bath Road and the ribbon pattern of development apparent in respect of those existing dwellings immediately to the east than that proposed.
9. The proposed development would extend a significant way from the road, well beyond those existing properties and their curtilages to the west and where the site opens out into the wider countryside on the periphery of the village. As such, that part of the site in particular provides a distinctly and pleasant open setting to this part of the village that is clearly visible as such, not only from the Bath Road but also from both the footpath running through the site and that running north-westwards on the slopes further to the west.
10. A strip of open land would be maintained on the eastern side of the proposed development, as well as space around the mature oak tree at the front of the site. However, that strip would be relatively narrow and would only afford restricted views of the countryside northwards, with wider views restricted by the depth to which the built form would extend to the side of that strip. That strip of land would also be dominated by the proposed dwellings that would be located very close to its western edge. The depth of development away from the road would further restrict views from the road in between buildings to that open countryside.

11. I have had regard to the appellant's Landscape and Visual Impact Assessment which considers both the short and long range impact. In terms of long range views from the escarpment to the south of the village and higher ground to its east, due to the distance and angle of view, the development would be likely to merge in with the existing development to a large degree. However, for the above reasons, at the shorter range, the proposed development would represent a noticeable and jarring encroachment into countryside that would materially harm the existing pleasant and distinctive degree of openness associated with this site and the contribution that makes to the setting of the village.
12. I acknowledge that the recent Broad Meadow residential development to the east of the site also extends a significant distance from Bath Road. However, that development is seen to some extent in the context of other pre-existing buildings including, and to the north of, the Grange which are positioned in between the site and Broad Meadow. Furthermore, the appeal site is separated from those buildings by a noticeable green buffer of gardens and other land. It is therefore not seen in the same context.
13. I note that the Council's Planning Policy Officer concluded in a consultation response that the proposed development would not be a significant encroachment into the countryside. However, I have determined this appeal on its merits based on all of the evidence before me, including my site visit.
14. The appellant contends that agricultural land is not included in the definition of open space in respect of Core Policy ES15. That policy seeks the protection of existing open spaces by, amongst other things, ensuring that there should be no harm to spaces which contribute to the distinctive form, character and setting of a settlement. However, the supporting text to that policy states that open space takes many forms including undeveloped parcels of land and semi-natural areas which I consider can be reasonably attributed to agricultural land such as that relating to the appeal site.
15. For the above reasons, I conclude on this issue that the proposed development would cause unacceptable harm to the character and appearance of the surrounding area, contrary to Core Policy ES13 of the Local Plan, and also to Core Policy CP15 of the Local Plan which amongst other things seeks the protection of the quality of the countryside.

*Whether the site is an appropriate location for housing, having regard to the objectives of housing in the area*

16. Core Policy CP3 of the Local Plan sets out that new development should be located in accordance with the District's settlement hierarchy so as to reduce the need to travel and to promote sustainable communities based on the services and facilities that are available in each settlement. It also states that in respect of third tier settlements such as Leonard Stanley, where there is a limited level of facilities and services, are opportunities for lesser levels of development to safeguard their role and to provide through any Neighbourhood Plans some opportunities for growth and to deliver affordable housing. I am not aware of any Neighbourhood Plans relating to the village.
17. The proposal would represent a fairly substantial development in the context of the village. Here, the number of facilities and services are very limited, including primary school, church, community hall, garage and public house

together with some employment. Those of the neighbouring third tier settlement of King's Stanley are similarly limited, including a convenience shop amongst other things. Notwithstanding this, and although the development would be located outside of the settlement development limits, the proposed dwellings would be within fairly close and safe walking distance of those facilities and services and there is a bus stop within close proximity of the site. That would enable access to other services and facilities to serve all day to needs such as the full range of shops, secondary schools, leisure and health facilities together with wider employment destinations, at higher order centres, without necessarily having to be fully reliant on private car use.

18. I acknowledge concerns raised about increased pressure on existing services and facilities in the village. However, I have no substantive evidence to clearly demonstrate that this proposal, either on its own or considered cumulatively with other new dwellings permitted for the village, would tip the balance in this respect. Furthermore, the submitted Planning Obligation would ensure mitigation for any impact upon the local library, off-site recreation facilities and the local primary school. There seems no reason why the appeal proposal should not support existing services and facilities in the village and thus maintain its vitality in accordance with Paragraph 55 of the Framework.
19. The appellant refers to a fairly recent appeal decision, Ref APP/C1625/W/15/3011370, for up to 51 dwellings on a greenfield site adjacent to the settlement of Kingswood. This is also a third tier village and my colleague found that the proposal would not be contrary to Core Policy CP3. This was on the basis that such settlements have capacity for growth and that Core Policy CP2 does envisage some growth outside settlement boundaries and is not expressed in a maximum level of housing.
20. That Kingswood decision is clearly a material consideration to be taken into account in my decision on the current appeal. However, it has a clear distinguishing factor in that it does not appear that there was objection in terms of the effect on the character of the countryside or the setting of the settlement. This was due to the particular location of the site and the pattern of development around it. My colleague therefore did not consider that the purposes of Core Policy CP15 would be offended. In this case, I have reached a different conclusion with regards to Core Policy CP15 as has been explained in the first main issue.
21. For the above reasons, I conclude on this issue that the proposal would be in a sustainable location, albeit outside of the settlement development limit. As such it would not be contrary to Core Policy CP3 of the Local Plan.

*Other matters*

22. I have had special regard to the statutory duty to pay special attention to the desirability of preserving the setting of the listed buildings (the LBs) either side of the site, comprising the Grange to the east and former post office to the west. Those LBs are seen in the context of the variety of building designs and ages near to them. Furthermore, there would remain a significant degree of separation between the Grange and the nearest proposed dwelling to it. The former post office would also be separated from the nearest proposed dwelling to it by an appropriate gap in the context of the immediate streetscene. I am therefore satisfied that the development would preserve the setting of the LBs.

23. I note that the Council has an identified need for affordable housing. This proposal would contribute towards that in respect of a policy compliant 30% provision, consisting of 13 on-site dwellings and a commuted sum to make up the difference, secured through a planning obligation.
24. The appellant also refers to there being a waiting list for affordable housing within Leonard Stanley and Kings Stanley. However, the evidence submitted does not clearly identify the nature or source of the data, the date it was compiled, or the extent to which other local developments would meet that demand, and so I have applied limited weight to it.
25. The appellant refers to the benefit of providing a proposed 1.8 Hectare country park on the site for the community, which would also be secured by the planning obligation. However, I note that the obligation specifically refers to that as being for the use of residents of the proposed dwellings. Even if it could be used by other local people, there is no substantive evidence of a need for such additional space for the community generally.
26. The planning obligation also includes contributions towards libraries, off-site recreation and the primary school. Even if these comply with Regulation 122 of the Community Infrastructure Regulations, they are required to mitigate impacts of the proposed development and should not therefore be considered as benefits.

### **Planning Balance**

27. The Framework sets out that there should be a presumption in favour of sustainable development and indicates that to achieve that, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
28. I acknowledge that the proposal would be in a sustainable location and would support local services and facilities. It would have benefit in terms of providing additional housing to the local supply. Whilst there is currently 5.85 years of supply I also note that Core Policy CP2 is not expressed in terms of a maximum.
29. There would also be economic benefits in respect of the jobs and advantages to other related business relating to its construction, a likely small number of nursery jobs, and funds to the Council through the New Homes Bonus. The nursery would also have the potential to benefit local residents albeit that I have received no substantive evidence of it being essential to the needs of the of village.
30. Finally, there would be the social benefit of providing additional affordable housing and I have applied significant weight to that factor. I have also had regard to other appeal decisions referred to by the appellant in respect of the weight given to the provision of affordable housing including those at Twynning and Weedon Bec, Refs APP/G1630/W/14/3001706 and APP/Y2810/A/14/2228921.
31. However, in considering this appeal on its merits, the provision of affordable housing, together with the other benefits of the scheme, would be insufficient to outweigh the unacceptable harm that would be caused to the character and appearance of the surrounding area. This is a compelling objection and,

considering the development plan as a whole, my overall conclusion is that the proposal would not be a sustainable form of development.

**Conclusion**

32. I have considered all other matters raised in the representations but have found nothing to alter my conclusion that the appeal should be dismissed.

*Andrew Dawe*

INSPECTOR