



30 January 2017

Appeal Statement

Land Rear of Dormans Mill Lane Prestbury Cheltenham Gloucestershire

Residential development of up to 76 dwellings with the creation of a new access to Southam Road (B4632), together with an emergency, pedestrian and cycle link to Mill Lane, associated landscaping, and public open space

Planning Inspectorate reference: 3165534

Local Planning Authority reference: 16/00417/OUT

Introduction

This statement has been prepared by CPRE to follow up its letter of objection to the proposed development dated 1 June 2016, submitted at the planning application stage. For ease of reference a copy of the letter is appended to this statement.

The statement has taken account of:

- The NPPF
- NPPG
- The Tewkesbury Borough Local Plan
- The draft Joint Core Strategy (JCS)
- The documents which accompanied the planning application
- The Committee report of 2 August 2015
- The reasons for refusal
- Other responses to consultation, and
- Recent appeal decisions in Tewkesbury Borough.

The Site

A representative of CPRE visited the site and walked the footpaths in the vicinity on 24 January 2017. The planning application documents identify the western half of the site as Parcel A and the eastern half as Parcel B. The footpath, part of which crosses the north-west

corner of Parcel A, was signposted at both ends and there was evidence of moderate use. A track defined on the OS Explorer Sheet 179 (scale 1:25,000, edition A1) as an “other route with public access” forms the northern boundary of Parcel B and also divides the two parcels. This route is not signposted at either end and showed little sign of use. Our observations arising from that visit are mostly set out below under the heading Landscape and Visual Impact.

Prestbury in Context

CPRE notes that the site lies outside the civil parish of Prestbury, which retained its parish status after being absorbed into Cheltenham Borough in 1991. The site is located on the edge of Prestbury in Southam civil parish, a geographically very extensive area which includes, besides the village of that name, the southern edge of Bishop’s Cleeve and much of Cleeve Common, and extends north of the Gloucestershire-Warwickshire railway line between Gotherington and Gretton. As a result, it is difficult to find data from the 2011 Census or from other sources which might provide a useful background to the appeal.

The built up area of Prestbury is indivisible from the rest of Cheltenham, and with the possible exception of the nearest secondary school, Cleeve School, at Bishop’s Cleeve, all the services and facilities most relevant to the site are located in Prestbury or Cheltenham as a whole. Issues to do with the settlement hierarchy relate to Cheltenham and not to any town or village in Tewkesbury Borough. In this context we note and support one of the grounds of objection of Cheltenham BC, namely that needs arising from Cheltenham as a settlement (rather than as an administrative area) which cannot be met within the Borough’s boundaries are already catered for in the form of the proposed strategic allocations in the Joint Core Strategy.

The Development Plan

The development plan consists solely of the Tewkesbury Borough Local Plan adopted in 2006.

The emerging development plan consists of the Joint Core Strategy being prepared by Gloucester City, Tewkesbury Borough and Cheltenham Borough Councils. The Tewkesbury Local Plan which will flow from it is still at an early stage and has yet to take account of public consultation.

We note that Southam Civil Parish is one of the parts of Tewkesbury Borough where a neighbourhood development plan is not being pursued.

Localism

The Foreword to the NPPF finishes by referring to the aim of “*allowing people and communities back into planning*”. Neighbourhood Plans are the main formal vehicle for achieving this; but they are not necessarily appropriate in all circumstances, because of the

character of an area or a lack of resources to carry out the onerous task of preparing such a plan.

The proposed development is in our opinion inimical to the spirit of localism, and contrary to the content of the NPPF Foreword. Turning to the first two principles of paragraph 17, the first states that planning should *“be genuinely plan led, empowering local people to shape their surroundings...”* and the second that it should *“not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives”*. The proposed development is contrary to both principles.

The Strategic Planning Context

There have been significant changes to the strategic planning context in recent months. First, Tewkesbury BC resolved on 25 October 2016 to accept the recommendations of the Joint Core Strategy Inspector’s Interim Report of May 2016, but with the very significant exception of the proposed strategic allocation at Twigworth. However, the Council resolved on 31 January to reinstate the Twigworth allocation, albeit on a smaller scale - for 995 dwellings instead of 1366.

Secondly, the MoD announced shortly afterwards that most of its depot at Ashchurch, allocated in the JCS for mixed use development based on 2,725 dwellings, will not be available in the Plan period.

The change of status of the MOD site in particular places the Borough Council in considerable difficulties. Further significant delays to the eventual adoption of the JCS are therefore very likely, and the amount of housing to be accommodated in Tewkesbury Borough will not be settled for some time.

In the meantime, we acknowledge that pressures to release land for housing in the Borough as a whole will become even stronger. CPRE wishes to emphasise equally strongly that the proposed development should not be regarded as part of a solution to the present difficulties.

The Reasons for Refusal

CPRE has examined the reasons for refusal, and notes the third, fourth and fifth begin *“in the absence of an appropriate planning obligation...”*. This statement therefore focuses on the first, which raises matters of principle. With respect to the second, which concerns heritage assets, CPRE is content to rely on Section 14 of the Committee Report of 2 August 2016, which concludes that the proposed development would have an adverse effect on the setting of the Prestbury Conservation Area and a property known as “The Hayes”.

Other Objections

CPRE notes the unusually large number of individual objections in this case, in particular those co-ordinated by the group CoRadical. For the avoidance of doubt, CPRE does not

necessarily endorse all of the grounds of objection raised by CoRadical. For example, the first of the twenty or so grounds for objection set out in the letter dated 20 July 2016 from the spokesperson for CoRadical on behalf of a large number of residents relates to the supply of land for housing. This states that the JCS Inspector considers that a five year supply of land for housing can be demonstrated in Tewkesbury Borough. We can find nothing in the Inspector's report of May 2016 to support that view; and the Committee report of 2 August 2016 states at paragraphs 5.13 and 18.1 that a five year supply of land for housing cannot be demonstrated.

However, CPRE notes and endorses the response of the Cotswolds Conservation Board. We wish to draw the Inspector's attention to the second paragraph, which refers to paragraph 113 of the NPPF and associated guidance in the PPG relating to land adjoining AONBs, and the final paragraph.

We note too the careful qualifications of the response of the Borough Council's Landscape Officer, which to paraphrase says that despite the efforts made by the applicant in producing as sympathetic a layout as possible, the landscape impacts would still be unacceptably adverse.

Recent Appeal Decisions

CPRE has been actively involved in many recent appeals in Tewkesbury Borough, whether decided by written representations, informal hearing or public inquiry. We acknowledge of course that appeals, like planning applications, are decided on the merits of the individual case. However, we believe that some lessons can be drawn from these recent cases.

Appeals were allowed at Twynning (58 dwellings; PINS reference 3001706) and at Alderton (47 dwellings; 24 dwellings; PINS references 2209001 and 3001584). The site at Twynning was not the subject of any landscape designation; the two sites at Alderton were located in the Special Landscape Area forming the foreground to the AONB and Alderton Hill, one of three outliers of Jurassic limestone in the area.

Two appeals were dismissed at Alderton (59 dwellings, 53 dwellings; PINS references 2222147 and 3003278). Again, both sites were located in the Special Landscape Area. Landscape was held not to be a major issue in the latter; but was considered important in the former, where the extension of the village into the open countryside (and the impact on the setting of the medieval parish church) were found to weigh against the proposed development.

A proposal for 35 dwellings at Gotherington was dismissed in September 2015 (PINS reference 3002522). Here, the site was located in the Special Landscape Area again forming the foreground to the AONB, this time at Oxenton Hill, the second of three outliers of Jurassic limestone in the area.

A more recent decision (PINS reference 3138954) concerned a site at Butts Lane Woodmancote where 38 dwellings were proposed. Unlike the present site, the land at Butts Lane is located in the AONB, but the two sites are similar in that they form part of the foot of the scarp slope. The appeal was dismissed.

The two strands CPRE draws from these cases are as follows:

- Five year land supply has (inevitably) been an issue at all of them; but has by no means been an overriding factor.
- Landscape has been a determining issue in some cases even where the site was not located in the AONB.

The Main Issues

Having set the context for the appeal, CPRE considers the main issues to be:

- The extent to which the proposed development complies with national guidance
- The extent to which the proposed development complies with local policy
- The degree of landscape and visual impact
- Whether good design could be achieved
- The implications of the housing land supply position in the Borough
- Whether or not the proposed development constitutes sustainable development

These are dealt with in turn below, after a review of the applicant's Planning Statement.

The Planning Statement

CPRE has examined this document. It shows clear signs of a lack of local knowledge, for example by stating (in paragraph 2.6) that Bournside School is the nearest secondary school to the site after Cleeve School; in fact, most other secondary schools in Cheltenham of whatever type are located closer to the site than Bournside. Errors such as these undermine the credibility of documents of this kind.

Much more importantly, however, we disagree with much of the appellant's interpretation of national and local policy set out in this statement.

The account of pre-application discussions at paragraph 4.5 is misleading. The absence of a five year supply of land for housing does not lend support even in principle for a particular proposal.

At 5.16, the PS quotes paragraph 55 of the NPPF: "*housing should be located where it will enhance or maintain the vitality of rural communities*". This paragraph should not be used in

support of the application, as the site is effectively on the edge of an urban area of more than 100,000 people and is not part of a rural community.

Paragraph 5.28 refers to saved Policy LND2 of the Tewkesbury Borough Local Plan. In our view the proposed development disregards entirely the characteristics of this part of the Special Landscape Area. It would have an adverse effect not only by completely altering the character of the area it occupies but also on the rest of the SLA in the vicinity. The second clause of the second sentence is an inadequate account of the impacts of the proposed development; indeed, the applicant's own Landscape and Visual Impact Assessment acknowledges a greater degree of impact than the Planning Statement does here.

We disagree strongly with paragraph 5.29 on the subject of the balance of benefits and adverse effects, for reasons set out below under the heading The Planning Balance.

In relation to Policy RCN1 Outdoor Playing Space at 5.31, the applicants should not calculate the likely population yield of the development simply by multiplying the number of dwellings by the average household size of the area. It should instead be done by a detailed analysis of the mix of accommodation to be provided, and on the basis that most dwellings will be fully occupied. A very large proportion of the existing housing stock is under-occupied, in the sense that a large number of habitable rooms are occupied by a relatively small number of people. This means that any estimate of the population yield of a new development based on average household size, unless the development consists entirely of small units, is likely to be too low. This is clearly not the case, as the proposed mix of dwellings set out on page 48 of the DAS shows. In particular, the providers of affordable housing (40% in this instance) will ensure that dwellings are occupied by households of appropriate size and are not under-utilised. This means that the applicants have underestimated the amount of open space which should be provided, and the amounts in the three categories set out in paragraph 5.31 are insufficient.

Paragraph 7.20 states: *"At present there is no clear starting point for calculating the Housing Land Supply (HLS) requirement for the Borough, other than from the requirement set out in the emerging JCS of 10,100 new homes over the plan period (505 dwellings per annum)"*.

In CPRE's view the sentence would be more accurate if everything after the comma were deleted. We have tried without success to find out how much housing will need to be accommodated in each of the three administrative areas covered by the JCS. The JCS documents have persistently presented the housing figures in what CPRE regards as a wholly unhelpful way. They treat some of the housing associated with two main urban areas of Gloucester and Cheltenham as part of their requirement, even though it will be located in Tewkesbury Borough. In any event, in CPRE's view most of the material in Section 7 of the PS can be disregarded on the grounds that the Borough Council readily acknowledges that it cannot demonstrate a five year supply of land for housing. CPRE's experience of appeals in the County and elsewhere is that even a slight shortfall engages paragraph 49 of the NPPF, and a severe shortfall does not add to its force.

National Guidance

Paragraph 109 of the NPPF refers to the role of the planning system in “*protecting and enhancing valued landscapes*”. The site of the proposed development forms part of a valued landscape in two senses: by virtue of its designation as a Special Landscape Area, and the extent to which the very large number of individual objections have emphasised landscape quality as one of the most important reasons, if not the most important reason, why in their opinion the proposed development should not go ahead.

Local Policy

CPRE acknowledges (and regrets) the fact that there is still no up to date policy framework for the Borough at strategic or local level which provides appropriate guidance on the amount and distribution of housing.

However, to the extent that emerging policies have acquired weight, we emphasise that the site is not allocated in any emerging development plan. Furthermore, enough of the Borough lies outside the Cotswold AONB and its associated Special Landscape Areas to make it unnecessary to allocate land for housing in them.

Landscape and Visual Impact

The site visit showed that what are effectively two parts of the site are quite different in character, and cannot be read as one. The western part (Parcel A) has the character of parkland, with close cropped pasture and a number of mature trees, whereas the eastern part (Parcel B) was sown with an arable crop. The two parts cannot readily be seen from each other, partly as a result of the dense vegetation on both sides of the “other route with public access”.

Parcel A takes up roughly two fifths of what is broadly speaking a single larger field, bounded by the B4632 to the west, Gravel Pit Lane and public bridleway to the north, the “other route with public access” to the east, and Mill Lane to the south. Some of the mature trees which provide its distinctive parkland character lie outside the planning application area boundary and would presumably be unaffected. However, the development of Parcel A would have a serious adverse effect on the remainder. Furthermore, the northern boundary of Parcel A is currently no more than a line on a map. There is no boundary on the ground. Any proposals to mitigate adverse impact on the landscape would have to start from scratch.

Study of the contour lines shows that the steeper parts of the Cotswold scarp slope in the vicinity are found to the east and north of the site. Nonetheless, the ground level rises from about 85 metres AOD in the northwest corner of the site to about 95 metres AOD at Queenwood Grove, meaning in this instance the road forming the north-eastern boundary of the site, not the collection of buildings of the same name about 600 metres to the north east to which the road leads. Both parts of the site can thus be read as forming part of the

apron at the foot of the Cotswold scarp. In the case of Parcel A. it is an important and prominent part, as, when travelling northwards along the B4632, this is the point where the built-up area gives way to open countryside.

CPRE notes what the Committee report says at paragraph 6.2 about the weight that should now be attached to the first and second parts of saved Policy LND2. Notwithstanding the lesser degree of weight which should now be attached to the second part of the policy, CPRE still considers that the proposed development does not comply with it.

Design and Related Matters

CPRE has examined the Design and Access Statement. Given the nature of the existing landform and vegetation, and the separate character of the two parcels making up the site, the attempt to create a village lane, shown in a number of drawings including that on page 62 of the DAS, appears to be an arbitrary attempt to unify the site.

CPRE notes the efforts made to minimise the landscape impacts of the proposed development by the disposition of the proposed 76 dwellings. However, a number of drawings, for example the Land Use Parameter Plan on page 46 of the DAS, shows the whole of Parcel B in the net developable area, providing a fairly solid block of built development which would have an adverse impact on Mill Lane and the existing edge of the settlement, as well as the wider landscape to the north and east.

Housing Land Supply

As indicated above, CPRE acknowledges that the Borough Council cannot demonstrate a five year supply of land for housing and therefore that paragraph 49 of the NPPF applies, reinforcing the provisions of paragraph 14. However, the absence of a five year supply of land for housing is not an overriding factor in this particular case, and should be weighed in the balance with other factors.

Sustainable Development and the Planning Balance

The three dimensions of sustainable development are addressed in turn.

In the economic domain, the proposed development would have undoubted benefits in terms of employment in the construction stage and increased consumer spending and Council tax revenues once the development is complete and occupied. The importance of these benefits must however be qualified in the balance by the observation made above, namely that similar economic benefits would derive from the construction of 76 dwellings in a more appropriate location in the Borough.

In the social domain, there would also be benefits from the provision of 76 dwellings, a significant proportion of them affordable.

In the environmental domain, it is acknowledged that the site is more sustainably located in relation to employment, services and facilities than most of the Borough's villages, where

any housing development on a similar scale is likely to have greater impacts in terms of the number and length of trips by private car.

However, all these benefits are in CPRE's opinion outweighed by the significant adverse effects on the landscape, both on the Special Landscape Area in which the site is located and the Area of Outstanding Natural Beauty which it adjoins.

Since the Special Landscape Area is not one of those listed in footnote 9 to paragraph 14 of the NPPF as lessening the force of the presumption in favour of sustainable development, the balancing exercise needs to be carried out. In this respect we concur with the Committee Report which concludes at paragraph 18.11 that the harms identified significantly and demonstrably outweigh the benefits.

Summary and Conclusions

In respect of the main issues, CPRE finds the following:

- That proposed development is contrary to the provisions of the NPPF at paragraph 109 in respect of valued landscapes
- That notwithstanding the outline status of the application, the documents which accompany it do not demonstrate how good design could be achieved in accordance with Section 7 of the NPPF
- That local planning policy for the provision of housing can be described as out of date, as the adopted Local Plan ran only to 2011. It can also be regarded as out of date in the absence of a five year supply of land for housing; this weighs in favour of the proposed development
- However, other Local Plan policy, in the shape of Policy LND2, can be afforded significant weight in terms of paragraph 215 of the NPPF because of the consistency with national policy of part of it
- That the proposed development would not significantly alleviate the difficulties faced by the Borough Council in providing an appropriate supply of housing to meet the strategic requirements of the Joint Core Strategy
- Finally, that although the development could be regarded as sustainable in some respects, the adverse impacts of the proposed development demonstrably outweigh the benefits, by bringing about what would amount to irrevocable harm to the landscape in the vicinity.

The balance of planning considerations in CPRE's opinion therefore weighs against the proposed development. For this reason, the Inspector is respectfully requested to dismiss the appeal.

David Crofts MRTPI Director Estcourt Planning