

Full Appeal Statement by CPRE

Land at Beckford Road, Alderton, Tewkesbury, Gloucestershire

Planning Inspectorate reference: APP/G1630/A/13/2209001

Local Planning Authority references: 13/00114/FUL

Introduction

This statement has been prepared by CPRE to follow up its objections to the proposed development submitted at the planning application stage. CPRE is aware that the planning application was refused against officer recommendation. CPRE has now examined the evidence of both principal parties, national planning guidance and local policy, and remains of the opinion that the proposed development should not, for the reasons set out below, go ahead and that the appeal should be dismissed.

Relevant documents are listed in Appendix 1, and are referred to where necessary in the main text by the Core Document numbers in square brackets.

The Site

A representative of CPRE inspected the site on 14 March 2014. CPRE agrees with the site description set out at paragraphs 1.4.1 to 1.4.5 of the Statement of Common Ground [CD13].

The site is identified in the 2013 Strategic Housing Land Availability Assessment [CD5] as site F2. It is described in the SHLAA as available, suitable and deliverable. However, it does not necessarily follow that even sites which meet all three criteria should be developed.

Alderton in Context

The village of Alderton is located about 11 km east of the centre of Tewkesbury, 9 km east of M5 junction 9, a few hundred metres north of the main road (B4077 at this point) linking Tewkesbury with Stow on the Wold. It lies about 17 km north north east of Cheltenham, and just south of Alderton Hill/Dumbleton Hill, one of a number of outliers of the Cotswold Hills west of the main scarp. The hill forms part of the Cotswold Area of Outstanding Natural Beauty which covers all the outliers, including the largest of them, Bredon Hill, to the north west of Alderton.

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The Campaign to Protect Rural England exists to promote the beauty, tranquillity and diversity of rural England by encouraging the sustainable use of land and other natural resources in town and country.

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The Civil Parish had a usually resident population of 747 in 308 households at the time of the 2011 Census. It is a large parish, extending well to the south of the B4077 and including the hamlet of Dixon. The bulk of the population nevertheless lives in the village of Alderton itself.

Services and facilities in the village are listed in the JCS Rural Settlement Audit [CD4].

In addition, CPRE has examined available data from the 2011 Census and other sources which are considered to have a bearing on this appeal. Some of the most useful data sets, for example distance of travel to work and origin and destination data, are still unavailable. Nevertheless CPRE considers that much of what is available has a useful bearing on this case.

Figures below are for Alderton Civil Parish unless otherwise stated.

Car Ownership

Table 1 shows that Alderton shows very high levels of car ownership, with very few households without a car, and 60% of households having 2 or more cars. Levels of car ownership in Tewkesbury Borough (1.46 cars per household) are significantly higher than in England (1.16) but ownership is much higher still in Alderton Civil Parish (1.82).

Method of Travel to Work

The data in Table 2 are consistent with those in Table 1. They show that three quarters of journeys to work arising in Alderton are by car, compared with 68% in Tewkesbury Borough and 56% in England. The next largest category in Alderton is “working at or from home” at 11.7%; travel by sustainable means (on foot, by bicycle and by bus) account for only 7.8% between them.

The fact that figures such as these may be typical of many rural communities in England reinforces rather than diminishes the point that development on any significant scale in villages such as this will lead to even greater overall reliance on the private car for journeys to work, and indeed for many other purposes.

The Development Plan

In this case, the development plan consists solely of the Tewkesbury Local Plan (adopted 2006), following the revocation of the draft Regional Strategy for the South West, its predecessor RPG10 and the remaining policies of the Gloucestershire Structure Plan, in May 2013.

No part of the development plan was adopted after 2004 in accordance with the Planning and Compulsory Purchase Act of that year. Paragraph 215 of the NPPF, rather than paragraph 214, therefore applies. Paragraph 215 states that *“due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework...”*.

The emerging development plan consists of the Joint Core Strategy being prepared by Gloucester City, Tewkesbury Borough and Cheltenham Borough Councils. No significant work has yet been done on the Tewkesbury Local Plan.

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 in our opinion contrary to both principles.

The Reasons for Refusal

CPRE notes the Council’s five reasons for refusal, and considers that the second to fifth reasons inclusive are capable of being overcome by a suitable Section 106 agreement or other means, leaving only the first as a reason of principle.

CPRE supports the Council’s position in this respect, but considers that, as will be made clear below, there are additional grounds on which we believe the appeal should be dismissed.

The Statement of Common Ground

CPRE has examined the Statement of Common Ground. We agree as indicated above with the description of the site and surroundings at paragraphs 1.4.1 to 1.4.5. We agree with the definition of the development plan at 2.1.3 (also as indicated above), and with the summary of the relevant content of the draft Joint Core Strategy at 2.2.3 to 2.2.9.

CPRE does not disagree with the statement that Tewkesbury BC cannot demonstrate a 5 year supply of land for housing (paragraphs 3.2.1 to 3.2.9) on the basis of the draft RSS. We agree with the final paragraph of this section that the revoked Structure Plan is no longer of any relevance.

Nor does CPRE disagree with most of paragraph 3.2.10 dealing with prematurity. However, the second sentence raises issues which are explored in more detail below.

However, the existence of a statement of common ground between an appellant and a local planning authority does not oblige any other party to agree with all of it, or indeed any of it. CPRE considers that this particular SoCG serves a very useful purpose in defining more closely the remaining areas of disagreement, but at the same time, does not appear to address the question of whether the proposed development constitutes sustainable development. This is an important consideration in our opinion.

The Main Issues

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

- The impact of the proposed development on the landscape
- Whether the proposed development constitutes sustainable development
- The relevance of the issue of the five year supply of land for housing in this particular case, and

- The balance to be struck between these three considerations.

These are dealt with in turn below.

Landscape Impact

In addition to undertaking a visit to the site itself, CPRE has walked many of the public rights of way on and around Alderton Hill/Dumbleton Hill, including parts of the Winchcombe Way, and has examined the proofs of evidence of both principal parties on this issue.

The upper, steeper, slopes of the hill rise from about 90 metres AOD to the summit of Alderton Hill at 205 metres AOD. These slopes and the hilltop are largely but not entirely wooded. The foreground to the upper slopes on the southern side rises from about 60 metres AOD in the village to 90 metres AOD, and consist of large fields, either arable or pasture.

Alderton is currently a compact settlement extending about 700 metres from east to west. The frontage of the proposed development would extend the built up area a further 170 metres to the west, a disproportionate amount, in our opinion, in relation to the provision of 47 dwellings. Moreover, the site is in what CPRE regards as a critical part of the SLA, because it actually adjoins the AONB rather than merely being close to it. Development either to the west or the east of the village would have the most damaging effect in terms of the landscape impact on the settlement as a whole.

Policy LND2 of the adopted Local Plan makes it quite clear that SLAs are important in themselves. The reasoned justification states *“while they [SLAs] are of a quality worthy of protection in their own right, they also play a role in providing the foreground setting for adjacent AONB”*.

The site of the proposed development is in CPRE’s view a perfect example of land fulfilling both functions. In our opinion, the largely open foreground to Alderton Hill is as important as the wooded upper slopes, and this not only includes the land north of Beckford Road in the AONB but also the land to the south of it in the SLA.

More broadly, Alderton Hill, Oxenton Hill and Bredon Hill are key features in a highly distinctive and even unique landscape which would be significantly damaged by the proposed development.

Turning now to the proofs, we consider that the proof of evidence of Mr Jones to be the more convincing in its assessment of impacts and in its standards of reasoning.

Paragraph 3.1.2 effectively paraphrases the local Plan’s reasoned justification: *“the SLA is of a high landscape quality that is worthy of protection in its own right, but it also protects the setting of the nationally designated AONB”*.

We note and endorse the summary at paragraph 3.4.4 which concludes the assessment of visual impact from a number of viewpoints in the LVIA.

There is much that is contentious in Mr Rech’s proof. The first sentence of paragraph 2.8 alone contains the words “logical”, “small scale” and (in relation to the settlement) “sustainable”.

Very seldom in our view can the word logical be applied to development – only where the scale of necessary development has been established, and where there is no or very limited choice in where to accommodate it. Neither condition applies here.

Secondly, the question of scale should not only take into account the absolute size of a development, but also the size of the existing settlement. 47 dwellings constitute 15% of the parish dwelling stock, and an even greater proportion of that of the village. The description of the proposed development as small scale is therefore inappropriate.

Thirdly, for reasons given in the next section, we do not regard Alderton as a sustainable settlement in relation to the scale of development proposed and the likely resultant increase in the use of the private car.

At paragraph 3.10, Mr Rech describes the SLA as an “outmoded designation”. It matters not whether the designation will be carried forward into the next development plan; for the time being it remains part of the development plan, and moreover is consistent with the spirit and purpose of the NPPF.

The same error is also apparent in paragraph 5.2(d). In 5.2(e), the proof refers to the buffer provided by the sports field to the north of Beckford Road. The sports field is in the AONB; it is the SLA of which the site forms a part which is the buffer.

We disagree with the balance that Mr Rech has drawn at paragraph 5.10. In our view only items (a) and (d) should be taken into account and this would tilt the balance against the development.

We contend that the other decisions to which the proof refers in section 6 do not make valid comparisons, as none of the other factors which led to the eventual decisions are mentioned at all. In relation to the Winchcombe case, there appears to be something missing from the quotation at paragraph 6.7, so that the point cannot be readily understood.

We consider that these are significant flaws, and we are not persuaded that the proposed development will not do significant harm to the SLA and AONB.

We therefore conclude, as does the Council, that the proposed development would have an unacceptable adverse impact on the landscape.

Sustainable Development

Sustainability is considered to be a relevant issue, for reasons relating to the spatial portrait and demographic characteristics of Alderton briefly set out above, and in the evidence of other participants.

The NPPF provides no concise definition of sustainable development; instead, it refers at paragraph 6 to paragraphs 8 to 219 (virtually the whole document) as “[constituting] *the Government’s view of what sustainable development means in practice for the planning system*”.

Paragraph 7 of the NPPF identifies three dimensions to sustainable development: economic, social and environmental. The proposal would in our opinion bring no economic benefits other than jobs in the construction stage. Social benefits do not consist of providing housing for its own sake; local needs are an important consideration. Finally, the proposed development would not assist in achieving any of the environmental objectives summarised in the third bullet point of paragraph 7.

CPRE has identified two specific strands to sustainability in this particular case: the accessibility by sustainable means (on foot, by bicycle and by bus) of facilities and services, and the existence and accessibility of employment opportunities in Alderton and the surrounding area.

The spatial portrait makes it quite clear that services, facilities and employment in Alderton are limited. This in our opinion makes the village an inappropriate location for any further development beyond what is already committed until such time as the distribution of housing in Tewkesbury's rural areas is addressed in a development plan document.

In particular, the figures on method of travel to work in Table 2 suggest that the level of bus services is of theoretical value only. It is likely that the vast majority of trips for work (and indeed any other purpose) arising from the proposed development would be made by private car.

It follows in our opinion that the presumption in favour of development set out at paragraph 14 of the NPPF does not apply.

Housing Requirements and Housing Land Supply

Introduction

Consideration of housing land supply at planning appeals often (but by no means always) involves the availability or otherwise of specific sites in order to reach a view on total supply, then to be compared with a requirement about which there is usually less controversy.

Since the arrival of the NPPF the balance has shifted somewhat, with differences of opinion between participants about the requirement side, and in particular which of the buffers referred to in paragraph 47 should be applied.

Here, however, CPRE considers that there is an even more fundamental issue involved – the amount of housing provision to be used as a yardstick against which supply is measured.

Housing Requirements

If the former Structure Plan provision figures are no longer relevant for the future (time expired, based on out of date sources) then so too now are the figures from the draft RSS. This document never reached adoption. Moreover, its housing provision figures were founded, as the EiP Panel Report (December 2007) repeatedly makes clear, on the 2003 based household projections, now by definition at least ten years old. There have been three further sets of household projections since then. Although these figures were the last to have been tested at examination, the EiP concluded more than six and a half years ago (in July 2007), and the value of such scrutiny will have been substantially diminished by the passage of time and the availability of new data.

We therefore conclude that the basis on which the appellant has calculated the five year supply figure is out of date and no longer sound.

CPRE has examined the implications of the latest set of household projections, the 2011-based Interim Household Projections. These are medium term (running ten years to 2021) rather than long term – the previous 2008-based set ran 25 years, to 2033. This means that the interim projections are less useful as a basis for drawing up development plans than would be ideal. Nevertheless, for reasons set out below in relation to the Quality Report, they should be taken into account in this appeal and indeed any in which housing requirements and supply are at issue.

The unrounded projections show an increase in the number of households in Tewkesbury Borough from 35,264 in 2011 to 39,804 in 2021, an increase of 4,540. Extending this to 2031 would indicate an increase of about 9,080 households.

In this particular case, however, this is far from the whole story, as the capacity of Gloucester and Cheltenham to accommodate new development is not limitless, and the most sustainable opportunities close by to provide for their needs are mostly (but not entirely) in Tewkesbury Borough. Indeed this is understood to be the main reason why the three authorities decided to produce a Joint Core Strategy in the first place.

At the same time, however, the issue of the 2011-based projections in April 2013 to a significant extent undermines the detailed work undertaken by NLP published in September 2012. This appears to be the main foundation for the housing numbers set out in the JCS. Furthermore, an underlying principle of the JCS appears to be that maximum use (subject to the usual constraints) should be made of the capacity of Gloucester and Cheltenham to accommodate development, and that the residual requirement be located in Tewkesbury Borough. It follows that any reduction in planned housing provision for the JCS area as a whole, which might (and in our opinion should) arise from a further consideration of housing requirements, will take place mostly if not entirely in Tewkesbury Borough.

However, the presentation of the relevant material in the draft Joint Core Strategy is in CPRE's opinion very poor, to the point of being incomprehensible. Although the draft JCS appears to acknowledge the point that housing need and demand arise from settlements rather than administrative areas, it does not make it clear how many dwellings a subsequent Development Plan for Tewkesbury Borough alone will need to make provision for.

In this context it is important to consider further the status of the 2011-based interim household projections.

Interim Household Projections: Quality Report

The 2011-based Interim Household Projections: Quality Report was published in April 2013, at the same time as the projections themselves were issued. CPRE acknowledges the limitations of this interim dataset which the report identifies [see Relevance, sixth paragraph; Accuracy, final paragraph].

The first paragraph of the section entitled Comparability states that *"each new set of projections replaces in its entirety the previous set"* (CPRE emphasis). It goes on to say that *"users are discouraged to use (sic) the 2008-based projections to estimate changes beyond 2021 as these are not consistent with the data from the 2011 Census that have been incorporated in the 2011-based projections"*. CPRE considers that an inference can be drawn from the first quotation which goes further than the second i.e. that the 2008-based projections, and indeed any earlier set of projections, should be disregarded altogether. This reinforces CPRE's view expressed in its previous statement about the weight to be attached to the RSS figures.

The final sentence of the first paragraph states *"... if users need to assess housing requirements beyond 2021 they should make an assessment of whether the household formation rates in that area are likely to continue"*.

We consider this to be a reasonable working assumption, but one which in this case should be qualified by the extent to which in the medium to long term (2021 to 2031) Tewkesbury Borough will need to help provide for needs arising in Gloucester and Cheltenham.

However, local plan preparation has in practice normally had shorter time horizons than the 15 years now required by NPPF paragraph 157. This means that review and roll forward of the emerging JCS is more likely to take place before the end of the current end date of 2031, and this provides a timely opportunity to re-examine housing requirements.

In summary, CPRE considers that the Quality Report on balance supports its position, and we conclude that for all of the above reasons that there is currently no sound basis for assessing whether or not there is a shortfall in housing land supply, or its extent.

Housing Supply

Turning now to the supply side, CPRE is aware that a number of appeals have been allowed in the Borough in the last two years, in which the absence of a five year supply of land for housing has been a significant if not overriding factor. These include large sites at Bishop's Cleeve (1,000 dwellings), Brockworth (200 dwellings) and at Winchcombe. CPRE is also aware that only that proportion of the total number of dwellings on these sites which is considered deliverable within the five year period, not the total number, contributes to ameliorating the situation.

What these sites have in common, however, is their location at three of the Borough's principal settlements, where in the interests of sustainable development most housing will be accommodated. Alderton, in contrast, is a small settlement with limited services and facilities, and is furthermore located at some distance from Cheltenham, Gloucester and Tewkesbury.

In this context, it does not necessarily follow in our opinion that the absence of a five year supply means that any proposal for housing should automatically be granted planning permission.

We consider that the proper remedy for the absence of a five year supply is the prompt allocation of major sites in a development plan, not the piecemeal release of smaller sites which do not individually do much to improve the situation, and to which there may be policy objections for other reasons, as in this case.

We have referred above to the second sentence of paragraph 3.2.10 of the SoCG. It states: *"the Rural Service Centres and Service Villages will accommodate lower levels of development to be allocated through the Tewkesbury Borough Local Plan and neighbourhood plans proportional to their size and function and also reflecting their proximity to Cheltenham and Gloucester"*.

Part of paragraph 3.2.11 continues: *"approximately two thirds of this rural development has already been committed through planning permissions and allowed appeals..."*.

Since in our opinion there is great uncertainty about the mathematical calculation of the five year supply, then a more qualitative approach is necessary. This extract from paragraph 3.2.11 lends support to our view that there is no urgency for the release of a site of this scale in this location. Release of sites for housing in the smaller rural settlements, of which Alderton is one, should wait until the Tewkesbury Local Plan, although we acknowledge that work on this has barely started and must be based on the JCS which itself is still some way short of adoption. [In parentheses, CPRE regrets the apparent inability of large numbers of local planning authorities throughout England to produce sound local plans on time]. Nevertheless, the proposed development could reasonably be described as premature in general terms, if not in the more specific terms of paragraphs 17 to 19 of The Planning System: General Principles.

The AA website shows that by its recommended routes Cheltenham is 17km from Alderton and Gloucester 31 km. The distances to Tewkesbury and the M5 have already

been referred to. We acknowledge that there are a number of villages in Tewkesbury Borough's rural areas which are located even further from Cheltenham, Gloucester and Tewkesbury. There are some which lie closer, which other things being equal might indicate that more development should be located there. CPRE is aware of the detailed work on rural settlement undertaken by the Council but regrets that it will be some time before this is translated into policy. For the time being, it would certainly not be appropriate (for example) to divide the 880 dwellings proposed for the 15 service villages in the pre-consultation JCS equally among them.

The Planning Balance

In the light of the foregoing, the planning balance can be briefly addressed.

The provision of 47 dwellings on this site in Alderton would make only a modest contribution to meeting housing requirements in the Borough, and a similarly modest contribution to alleviating any shortfall in housing supply.

For reasons given above, to use the RSS figures as a benchmark to calculate the five years supply, as the appellants have done, is now in our opinion wholly inappropriate. At the same time, the shortcomings in the presentation of the JCS make it extremely difficult to make this calculation on the basis of its proposed housing requirements. Then again, the 2011-based household projections, which show a sharp drop in the rate of household increase compared to the previous 2008-based projections in many parts of England, militate against even making the attempt. In these unusual and perhaps unfortunate circumstances, we conclude that the issue of the five year supply should be set aside entirely in weighing up the planning balance.

This leaves the other two main issues which CPRE has identified: landscape impact and sustainability.

We conclude, as the Council has done, that the proposed development would have unacceptably adverse effects on the SLA and the adjoining AONB.

We also consider that the proposed development does not constitute sustainable development,

Thus, in the planning balance any benefits of the development are strongly outweighed by the disbenefits.

Summary and Conclusions

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

- That the landscape and visual impact of the proposed development on the SLA and the adjoining AONB would be adverse
- That the proposed development could not reasonably be described as sustainable and that as a result, the presumption in favour of development does not apply
- That there is no sound basis for the calculation of the five year supply of land for housing and therefore this issue should be disregarded in the overall decision, and
- That on balance the adverse effects of the proposed development outweigh the potential benefits.

In conclusion, for all the above reasons, the Inspector is respectfully requested to dismiss the appeal.

Appendix 1: Documents

The following documents and other material have been consulted in the drafting of this statement:

- The National Planning Policy Framework (NPPF)
- The adopted Tewkesbury Borough Local Plan (ATBLP)
- The draft Joint Core Strategy (JCS)
- JCS Housing Background Paper
- JCS Rural Settlement Audit (revised edition August 2013)
- Strategic Housing Needs Assessment 2009
- Assessment of Housing Requirements NLP September 2012
- Housing Needs Assessment adopted January 2010
- 2011-based Interim Household Projections
- 2011-based Interim Household Projections: Quality Report
- The documents and drawings submitted with the planning application
- The Borough Council's reason for refusal
- The grounds of appeal
- Representations made by other parties
- The Statement of Common Ground
- The proofs of evidence of Rob O'Carroll and Toby Jones on behalf of the Council
- The proofs of evidence of Mark Sackett and Phil Rech on behalf of the appellants
- The Rule 6 Statement and proof of evidence of Alderton Parish Council
- The objection submitted by Alderton PC at the application stage
- A range of relevant data from the 2011 Census

Appendix 1.1

Car Availability

| | Alderton | % | Tewkesbury Borough | % | England | % |
|--------------------|----------|-------|-----------------------|-------|----------|-------|
| All households | 308 | 100.0 | 35156 | 100.0 | 22063368 | 100.0 |
| No car | 15 | 4.9 | 4775 | 13.6 | 5691251 | 25.8 |
| 1 car | 107 | 34.7 | 14818 | 42.1 | 9301776 | 42.2 |
| 2 cars | 128 | 41.6 | 11759 | 33.4 | 5441593 | 24.7 |
| 3 cars | 41 | 13.3 | 2731 | 7.8 | 1203865 | 5.5 |
| 4+ cars | 17 | 5.5 | 1043 | 3.0 | 424883 | 1.9 |
| All cars | 560 | | 51220 | | 25696833 | |
| Cars per household | 1.82 | | 1.46 | | 1.16 | |

Source: 2011
Census

Appendix 1.2

Method of Travel to Work

| | Alderton | % | Tewkesbury Borough | % | England | % |
|----------------------------|----------|-------|-----------------------|-------|----------|-------|
| Residents 16-74 | 535 | | 59685 | | 38881374 | |
| At home | 43 | 11.7 | 2903 | 7.0 | 1349568 | 5.4 |
| Train/UG | 4 | 1.1 | 315 | 0.8 | 2371309 | 9.4 |
| Bus | 2 | 0.5 | 1895 | 4.6 | 1886539 | 7.5 |
| Taxi | 0 | 0.0 | 35 | 0.1 | 131465 | 0.5 |
| M/cycle | 3 | 0.8 | 459 | 1.1 | 206550 | 0.8 |
| Car | 277 | 75.1 | 28466 | 68.5 | 14345882 | 57.0 |
| Passenger | 13 | 3.5 | 1901 | 4.6 | 1264553 | 5.0 |
| Bicycle | 6 | 1.6 | 1828 | 4.4 | 742675 | 3.0 |
| On foot | 21 | 5.7 | 3549 | 8.5 | 2701453 | 10.7 |
| Other | 0 | 0.0 | 193 | 0.5 | 162727 | 0.6 |
| Not in employment | 166 | 31.0 | 18141 | 30.4 | 13718653 | |
| Residents in employment | 369 | 100.0 | 41544 | 100.0 | 25162721 | 100.0 |

Source: 2011 Census