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Case Officer: Joanna Martin

The Planning Inspectorate

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Dear Ms Martin

Planning Appeal APP/C1625/A/14/2219549 - Land at Woodside Lane, King's Stanley, Gloucestershire

We write in connection with the above titled planning appeal against the refusal of permission for the erection forty eight dwellings with landscaping and associated infrastructure at Woodside Lane, King's Stanley.

We submitted our views on the application (S.13/1834/FUL) to the Stroud District Council on 1st October 2013 and on the second application (S.14/0525/FUL) on 7th May 2014. However, we have revised our submission - see attached - and would be grateful if the inspector would take account of this submission instead of our letters referred to above.

Thank you.

Yours sincerely

Simon Arundel Chairman, CPRE, Stroud District.

CPRE exists to promote the beauty, tranquility and diversity of rural England by encouraging the sustainable use of land and other natural resources in town and country.

Reg Charity No.248577

Appeal Statement

Land at Woodside Lane, King's Stanley, Gloucestershire GL10 3LA

Planning Inspectorate reference: 2219549

Local Planning Authority reference: S.13/1834/FUL

Introduction

This statement has been prepared by CPRE to follow up its objections to the proposed development submitted at the planning application stage.

The statement has taken account of the following documents:

- The National Planning Policy Framework
- National Planning Policy Guidance
- The adopted Stroud District Local Plan (2005)
- The emerging Stroud District Local Plan (2014)
- The Cotswolds Conservation Board Management Plan 2013-2018
- Position Statement on Development in the setting of the Cotswolds AONB
- The Inspector's Initial Conclusions on Part 1 of the Local Plan Examination
- The documents submitted with the planning application, in particular the Planning Statement (PS) and Design and Access Statement (DAS)
- The Council's reasons for refusal, and
- The appellant's Statement of Case

CPRE has concluded on the basis of the above, and for the reasons set out below, that the appeal should be dismissed.

The Site

The site is a 2.75 hectare (6.66 acre) field to the west of Woodside Lane in King's Stanley. It is part of a key green wedge that separates the two settlements of King's Stanley and Leonard Stanley, which lie adjacent to each other on the gentle, north facing slopes of the Frome Valley, below Penn Hill and Stanley Wood on the Cotswold escarpment. The Cotswolds AONB lies immediately to the north. The site is outside the existing built up area of the village, and if the appeal is allowed, the development would create a substantial tongue of new housing running uphill towards the boundary of the Cotswolds AONB.

Representatives of CPRE inspected the site on 13 June 2014. The field contained (on the day of our visit) uncut hay. Public footpaths run along its eastern edge, parallel to Woodside Lane and inside the field boundary, and between the north-east and north-west corners. Informal paths complete a circular route around the field.

Woodside Lane is adjacent to a larger area, known locally as Mankley Field, on which an application for about 150 houses was refused on a number of grounds, including landscape. The appeal decision is awaited. If the appeal is dismissed, the Woodside Lane site will remain bounded by open countryside on all sides except its narrow north-eastern boundary.

Background

The settlement pattern in the Stroud Valleys has been strongly influenced by the steep sided valleys which converge on Stroud itself. There are a number of villages, of which King's Stanley is one, fairly close to Stroud, which between them add substantially to the population of the town. Much housing development has taken place in these villages in recent years, partly as a result of a relative lack of suitable opportunities for housing development in Stroud itself.

However, it does not follow that any site in these villages is suitable for development, especially those in close proximity to the Cotswolds AONB, or as in this case, actually adjoining it.

CPRE is aware that the site of the proposed development was an omission site at the Local Plan Inquiry in 2003. The Inspector did not modify the Plan to include it, so the site remains unallocated and outside the settlement boundary of King's Stanley.

CPRE notes the appellant's summary of the Inspector's report at paragraphs 4.8 to 4.11 of the PS. Our own interpretation of the relevant section (5.108) of the Inspector's report itself is that it cannot possibly be construed as recommending that the site be allocated for housing in the next local plan. The PS notes that another site in the village was allocated, but this was not an alternative to the current appeal site, as paragraph 5.108.6 makes clear:

"The allocated site to the north of Bathleaze lies within the settlement boundary and has equally good access to the village services and employment opportunities. The development of this site offers an opportunity to consolidate the built up area of the village at an appropriate density, without adding to the sprawling nature of the settlement, in accordance with the sequential approach in Paragraph 30 of PPG3" [CPRE emphasis].

Other parts of section 5.108 are referred to below in the context of landscape impact.

At risk of stating the obvious, the Council has not considered it necessary to allocate the site in the emerging Local Plan to help meet housing requirements. CPRE also notes the appellant's comments on the 2011 SHLAA at paragraph 4.12 of the PS. Our experience of SHLAAs generally is that many of them identify sites which meet all three criteria - suitable,

available immediately and deliverable - which have a nominal capacity far in excess of requirements. It therefore does not follow that all sites which meet all three criteria should be developed.

Furthermore, the nominal capacity of the site in the SHLAA was given as 80 dwellings. Since the appeal proposal provides only 48, the question of whether this constitutes inefficient use of land should be considered.

King's Stanley in Context

King's Stanley is located about 4.5 km (via the A419 Ebley bypass) west south west of the centre of Stroud. It had a population of 2,359 (2011 Census) in 1,034 households. On its western side, the village merges with Leonard Stanley, and to the south east is separated by a few hundred metres from the settlement of Middledyrd.

Appendix 1.1 sets out the 2011 Census data for car ownership in King's Stanley parish and Stroud District, with England for comparison. It shows that car ownership, as expressed as numbers of cars per household, is much higher in Stroud District than in England, and slightly higher still in King's Stanley parish.

Appendix 1.2 sets out the 2011 Census data for method of travel to work for the same areas. The table shows an even greater reliance on the private car in King's Stanley than in the District as a whole, and just over 10% of the resident workforce altogether travels by sustainable means (on foot, by bicycle and by bus), including only 2% by bus.

The villages of King's Stanley and Leonard Stanley

King's Stanley and Leonard Stanley have evolved from ancient origins: Leonard Stanley's church has Saxon origins and both villages were mentioned in the Domesday Book. They are much expanded from their medieval cores, reflecting development pressures during the period when the Stroud valleys were intensely developed for industry, and more recently, to help meet national and local demand for housing. So they are not typical Cotswold 'chocolate box' villages: both their industrial and their agricultural pasts are still clearly visible. Now they are primarily dormitory villages, with many residents leaving each day to work in the neighbouring towns. Development over the years has been gradual and small scale: in the main a couple of houses added here, a new road or close there. This kind of organic growth is appropriate to the character and the scale of both villages. Their housing stock is mixed in age, size, materials and design. Leonard Stanley is smaller than King's Stanley, with a population (2011 Census) of 1,442.

King's Stanley is a vibrant community with a tangible sense of its own identity. Its parish action plan acknowledges the need for more social housing in the village, and also proposes many areas of activity which would benefit the community as a whole.

The Development Plan

In this case, the development plan consists solely of the Stroud District Local Plan (adopted 2005), 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 Stroud District Local Plan, which has a base date of 2006 and is intended, subject to any review in the meantime, to run to 2031.

Part 1 of the Local Plan Examination took place between 1 and 3 April 2014. CPRE has carefully examined the Inspector’s interim report issued on 2 June.

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 however 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 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 that the Council refused the proposed development for two reasons. The second reason referred to the best and most versatile (BMV) land, and to NPPF paragraph 112 which affords protection to such land.

CPRE has considered the report entitled Land at Woodside Lane King’s Stanley: Agricultural Land Classification and Policy Implications, prepared by Kernon Countryside Consultants Ltd.

This report concludes at paragraph 4.1 that the site falls wholly into Agricultural Land Classification Grade 3b, rather than Grade 3a, meaning that the site does not constitute BMV land. CPRE has no reason to dispute the conclusions of this report, and thus acknowledges that this reason for refusal falls.

However, CPRE fully supports the first reason for refusal, relating to countryside and landscape, which is dealt with in detail below.

In addition, we have identified other issues not covered by the reasons for refusal which in our opinion need to be addressed. These are referred to below.

Appeal at Mankley Field, Leonard Stanley

CPRE is aware of the appeal (Planning Inspectorate reference 2207324) by Gladman Developments against Stroud DC's refusal of planning permission for 150 dwellings on Mankley Field, immediately to the west of the Woodside Lane site.

It is understood that the decision is likely to be issued on or around 21 July 2014, when the present case is under consideration and after the deadline for third party statements (8 July). As one such party, CPRE must therefore consider two scenarios: the first in the case of the Mankley Field appeal being allowed, the second in the case of its being dismissed.

To summarise, we consider that the adverse effects of the proposed development will be significant even if the Mankley Field appeal is allowed, and will be even greater if it is dismissed. This matter is dealt with in more detail below under the heading Landscape Impact.

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

CPRE has examined the Inspector's report (November 2004) into what is now the adopted Stroud Local Plan. The PS has referred to it; CPRE is concerned that the quotations from or

paraphrases of the Inspector's report in the PS are selective. We would strongly recommend that the current Inspector consider the whole of section 5.108.

To set the balance straight, we consider that the then Local Plan Inspector is worth quoting at length:

"5.108.4 While King's Stanley does contain a wide range of services that could potentially support additional housing development, the impact of the development on the AONB, and its relationship to the existing urban area is of concern.

5.108.5 The urban area that comprises the villages of Leonard Stanley and King's Stanley forms an incoherent and quite disjointed urban form, which this allocation would exacerbate. The hedgerows, trees and watercourses help to soften and screen the southern edge of King's Stanley in views of the site from the AONB to the south and east. The Stroud District Landscape Assessment (1996) states clearly that any further extension to the settlements that lie at the foot of the Cotswold Escarpment, adjacent to the AONB, would be detrimental to the setting of the designated area" [CPRE emphasis].

We also note that whereas the PS refers at paragraph 5.45 to both landscape and ecology in relation to NPPF paragraph 109, paragraph 5.46 refers only to ecology, implying that landscape considerations have been given inadequate scrutiny by the appellants.

Landscape character

Two current landscape character assessments cover this site. The first is the Cotswold AONB's LCA, which gives the dramatic west-facing escarpment, that dominates the landscapes of the rolling plain beneath it, its own landscape type. Of all the landscape character types within the AONB, the escarpment 'is perhaps the most striking type, from which there are exhilarating and extensive views'. It is vitally important that the integrity of the escarpment is not compromised by unsuitable, large scale development within its setting.

The section of the escarpment above Leonard and King's Stanley is within the Cotswolds AONB landscape character area 'Uley to Cooper's Hill'. This provides a dramatic backdrop to both villages. There are good views from Selsley Common and from the Cotswold Way, which runs at the foot of the slope close to Woodside Lane, below Stanley Wood. Woodside Lane gives access to Blackbird Cottage and Woodside Farm, which are typical of the small-scale settlements that are scattered along the foot of the escarpment, in sheltered locations near to spring lines. Although the proposed development would not physically affect these houses, the reduction of the green buffer between village and escarpment foot would reduce tranquillity and intensify the contrast between built up area and protected landscape.

The site sits within what Stroud's Landscape Character Assessment calls 'Rolling Agricultural Plain', within the sub-division 'Escarpment Foothills'. Of the key Priorities for Action for this kind of area, the most relevant is the need to 'control sporadic development along the major routes and at the edge of small settlements'.

Assessing the site in its setting

The appeal site is in a key transition area between the protected Cotswold escarpment and the undulating Frome Valley. Although if you look to the east, along the lower slopes of the escarpment, in some places houses have been built fairly well up the hill, this should not be taken as a precedent. Current policies for both Stroud DC and the Cotswold AONB Conservation Board stress the need to protect the setting of the protected landscape.

At a detailed level, the proposal would significantly change the character of the local landscape. The most obvious change is that permanent grassland would be converted to low density, suburban housing. From the Cotswold Way to the south it is not possible at present to see the surface of the field itself, but the caravans on the north-western side of the site are visible: this means that houses would be visible as well. Another example concerns the lane: Woodside Lane is single track, and is overhung by trees and mature hedgerows on both sides. It leads to a few properties at the foot of the escarpment. Even though the proposed layout limits vehicle access to the northern end of the lane, close to the existing village boundary, tranquillity along the whole of the site boundary adjacent to Woodside Lane would be reduced immediately and permanently. The whole feel of the development would be suburban rather than rural and over time it is inevitable that the lane as well would lose its rural character.

Woodside Lane is part of an extensive network of lanes and public rights of way that make the countryside around King's Stanley particularly attractive for walkers and runners. In fact the only through traffic is people on foot, who have a good choice of routes: it is possible to loop to the west, or the east, and stay on the lower slopes of the escarpment, or join the Cotswold Way in the woods to the west of Blackbird Cottage.

The present planning application proposes retaining the footpaths that cross the site, so in theory the current range of route choice and length of walk would be retained: but walking through a housing development is a different experience from walking through a field or along a tranquil lane, and so in practice choice would be reduced.

If the Mankley Fields appeal is allowed, it would effectively bring about the coalescence of Leonard Stanley and King's Stanley. This is of course a matter which that Inspector will have considered, but the fresh point is that if the Woodside Lane development is also allowed to go ahead, this would exacerbate the adverse effects identified by the Stroud District Landscape Assessment, and clearly endorsed by the Local Plan Inspector, as indicated by the last sentence of paragraph 5.108.5 above.

If the Mankley Fields appeal is dismissed, then allowing the current appeal would create (on the Mankley Field site itself) an area of countryside hemmed in on three sides by built development. To put it another way, development of the Woodside Lane site would have a disproportionately adverse effect on the open countryside in the vicinity.

Sustainability

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; such benefits as the development would provide could equally but more appropriately be provided elsewhere, on sites which are proposed to be allocated in the emerging Local Plan. Finally, the proposed development would not assist in achieving any of the environmental objectives summarised in the third bullet point of paragraph 7.

The appellant’s Planning Statement summarises at paragraphs 2.2 to 2.4 what it considers to be the sustainability credentials of King’s Stanley, in terms of services and facilities in the village and accessibility other services and facilities further afield. CPRE has no reason to dispute this list.

However, the Planning Statement makes no reference to the village’s employment base – which is limited. The Census data on method of travel to work referred to above show that a very high proportion of journeys to work are by private car and a low proportion by sustainable means (on foot, by bicycle and bus).

Thus it is considered that in practice the sustainability credentials of King’s Stanley in general, and the appeal site in particular, are substantially less than the appellants claim. This in turn diminishes the weight of the presumption in favour of sustainable development.

Housing Land Supply

CPRE’s understanding of the recent and current position can be summarised as follows.

The last assessment carried out by the Council itself was published in August 2012. It concluded that there was a 6.53 year supply of land for housing in the District, based on a deliverable supply of 2,541 dwellings and a five year requirement of 1,945 dwellings, made up of 370 dwellings per year plus 5%. This is the document addressed in the appellant’s Planning Statement of August 2013.

An appeal decision (Planning Inspectorate reference 2165671) on a site at Box Road, Cam issued in January 2013 questioned the SDC assessment, and concluded (among other things) that as a result of what the Inspector regarded as a persistent under-delivery of housing in the period 2006-11, a 20% buffer should apply. The Inspector also concluded that even if a 5% buffer were used, the years supply figure was only 4.21. The appellant's Planning Statement makes reference to this appeal in support of the case for development at Woodside Lane.

More recently, however, an independent review carried out on behalf of the Council by Evans Jones LLP (October 2013, and therefore postdating the appellant's Planning Statement) concluded that there was a 5.55 year supply, based on a deliverable supply of 2,215 dwellings and a five year requirement of 2,001 dwellings. The consultants also concluded that there had not been persistent underdelivery of housing, so that a 5% buffer, rather than 20% was appropriate.

The Evans Jones review used as its yardstick for calculating the five years supply a total housing provision of 9,500 dwellings in the period 2006 to 2031, that is, the figure teated at the Examination Part 1. Until the emerging Local Plan is adopted, CPRE considers this to be the most appropriate yardstick, despite the recent reliance of appellants in other parts of the County on the former draft RSS figures.

CPRE considers these now to be wholly out of date, for the following reasons. The draft RSS 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 eleven years old. There have been three further sets of household projections since then. Although the RSS figures were the last to have been tested at examination, the EiP concluded seven years ago (in July 2007), and the value of such scrutiny will have been very substantially diminished by the passage of time and the availability of new data.

More recently still, the Inspector's Initial Conclusions on stage 1 of the Examination (SD/21), issued on 2 June 2014, state as follows:

"There is some dispute about whether a 5-year supply can currently be demonstrated, but when the SDLP is adopted, sufficient sites will undoubtedly be identified to rectify any shortfall" (paragraph 42), and

"Much depends on the period assessed and the rate against which delivery is compared, but the latest evidence does not suggest that there has been a persistent record of under-delivery which might justify a 20% boost in housing supply. Consequently, based on the currently proposed housing provision level, there is a case for accepting a 5% uplift in the first 5-years supply rather than the 20% figure that some parties seek" (paragraph 43) [CPRE emphasis].

Thus the Evans Jones review and the Local Plan Inspector's Initial Conclusions postdate and supersede the conclusions drawn at paragraphs 5.31 and 5.32 of the appellant's Planning Statement.

None of the proposed allocations in the new Local Plan are included in the current assessment of supply, and indeed CPRE acknowledges that it would be inappropriate to include them at this stage. Moreover, not all of the capacity of the proposed allocations, even when the Plan is adopted, will immediately count towards the five year supply. However, a significant start on those sites can reasonably be anticipated, and so we fully support the Inspector's view at paragraph 42, quoted above, from his Initial Conclusions.

CPRE considers it possible, indeed likely, that some increase in total housing provision in the Local Plan will result from the additional work which the Inspector has asked the Council to carry out. Nevertheless, it also seems likely, as the current Local Plan Inspector appears to believe, that the increase in supply resulting from the confirmation of the proposed allocations will be more than enough to maintain the five years supply.

Our interpretation of paragraph 49 of the NPPF and its relationship with paragraph 14 is as follows: that the presumption in favour of sustainable development is strengthened if paragraph 49 applies. We consider however that for the reasons set out in this section it does not apply. The more general application of paragraph 14 is addressed below under the heading The Planning Balance.

The PS at paragraph 5.52 quotes a decision letter on a site for housing in Staffordshire (Planning Inspectorate reference 2189442): *"the presumption in favour of sustainable development in the Framework is not reliant on the lack of 5 year housing land"*. CPRE does not disagree with this; but also considers that if a five year supply of land for housing can be demonstrated, the presumption in favour is diminished.

We consider that even if it can be demonstrated that there is less than a five year supply of land for housing, this does not outweigh the adverse impacts of the proposed development.

The Planning Balance

The planning balance should be considered with reference to all the issues which CPRE has identified, not just those raised by the Council's reasons for refusal. The Council's reasons, as acknowledged above, were reduced by the evidence relating to the agricultural land quality of the site.

In our opinion a broader view is needed. The section above on landscape impact has argued that the adverse effects of the proposed development will be very substantial. Furthermore, we consider that the proposed development will inevitably give rise to a significant increase in the use of the private car, for journeys to work and higher order services in particular. It therefore cannot reasonably be described as truly sustainable in this important sense.

Nor in our view is it sustainable in the environmental sense, as it would result in the irrevocable development of an important part of the setting of the Cotswolds AONB.

There is in our opinion no need for this development to take place, either to help provide a five year supply of land for housing in the short and medium term, or to help meet total housing requirements over the Plan period.

The appellant's PS asserts that the adopted Local Plan's policies for housing are out of date as a result of what it considers to be a lack of a five year supply of land for housing. In fact it is the PS itself (in particular, at paragraphs 5.31 and 5.32, and 5.91 to 5.93) which is out of date, as it does not take into account the significant changes since its date of issue of August 2013, notably the progress of the emerging Local Plan.

The adopted Local Plan is in our view by no means out of date in many respects. There is continuity (as would be expected) between the adopted and emerging local plans in many respects. This applies to most of the true policies, which are not time bound, as opposed to the policies for the provision of housing and employment land, which cover specific time periods and are better described as proposals.

In particular, it is as important in the current Plan period as it ever has been to protect the natural environment in Stroud District, especially the AONB and its setting.

On balance therefore the benefits of the proposed development are in our opinion considerably outweighed by the adverse impacts of it in other respects.

Summary and Conclusions

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

- That the impact of the proposed development on the landscape character and quality of the adjoining AONB would be seriously adverse
- That the proposed development would not be as sustainable as the appellants claim and that as a result, the presumption in favour of development is diminished
- That there is in existence a five year supply of land for housing in Stroud District, which further diminishes the presumption in favour of development, 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.

