

Appeal Statement

Land to the west of Willow Bank Road, Alderton, Gloucestershire

Planning Inspectorate reference: 3003278

Tewkesbury Borough Council reference: 14/00747/OUT

Introduction

1 This statement follows and adds to CPRE's letter of objection of 15 September 2014 at the planning application stage. It takes into account the following:

- The National Planning Policy Framework
- National Planning Practice Guidance
- The adopted Tewkesbury Borough Local Plan
- The emerging Joint Core Strategy for Gloucester, Cheltenham and Tewkesbury
- The documents submitted with the planning application, in particular the planning statement and landscape and visual assessment
- The Committee report of 9 December 2014 and the reasons for refusal
- Various consultation responses
- The appellant's Statement of Case
- The two recent appeal decisions at Beckford Road (Planning Inspectorate reference 2209001) and St Margaret's Drive (Planning Inspectorate reference 2222147)

2 CPRE gave evidence at both inquiries. Some of the factual background remains as it was at the time they were held. Relevant material from CPRE's statements for them has been incorporated in this statement.

The Site and its Surroundings

3 A representative of CPRE visited the site on 24 April 2015. To the extent that the site is accessible and visible from public vantage points nearby, CPRE noted its topography, the nature of the boundaries, and its relationship with adjoining development and the rest of the village. Otherwise, we rely on the accuracy of the Council's Committee Report and the appellant's Planning Statement in this respect.

Alderton in Context

4 The village of Alderton is located about 11 km east of the centre of Tewkesbury, 9 km east of M5 junction 9, and 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.

5 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.

6 Services and facilities in the village are listed in the JCS Rural Settlement Audit.

7 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.

8 Figures below are for Alderton Civil Parish unless otherwise stated.

Car Ownership

9 Table 1 shows that Alderton has 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

10 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.

11 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.

12 As far as CPRE is aware, some of the workplace data from the 2011 Census are still not available. However, we have examined the figures in Tables UV35 and UV80 from the 2001 Census, which cover distance of travel to work for residence and workplace respectively. Of the 344 residents in employment, 186 (54%) travelled more than 10km to work. In contrast, there were only 114 people working in the parish, meaning a net outflow of 220 people. We think it unlikely that this balance has changed much since.

The Development Plan

13 In this case, the development plan consists solely of the Tewkesbury Local Plan. 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...”*.

14 The emerging development plan consists of the Joint Core Strategy being prepared by Gloucester City, Tewkesbury Borough and Cheltenham Borough Councils. Its Examination begins in May 2015. The Tewkesbury Local Plan is at a very early stage. It is therefore acknowledged that relatively limited weight can be attached to these plans.

Consultation Responses

County Highways

15 CPRE notes the recommendation of “no objection”, along with the comments in respect of access (visibility), effect of additional traffic, cumulative development (taking the development at Beckford Road into account), and the B4077 junction. CPRE has no reason to dispute the County Council’s observations under these four subheadings, but understands the trepidation some motorists might feel in turning onto the B4077, either right or left, from Willow Bank Road.

16 We note too the observation that Alderton is “remote”, but that the limited accessibility to services is not sufficient to warrant a recommendation for refusal. However, County Highways make no mention of the car ownership and method of travel to work figures from the 2011 Census referred to above.

17 We consider it most likely that a very high proportion of new residents will rely on the private car for travel to work; indeed, all except those who might run businesses from home.

18 CPRE considers that accessibility to employment and services is a very important dimension of sustainability, and is fully taken into account in our assessment of the planning balance towards the end of this statement.

19 CPRE is concerned however about the width of the proposed access, about which the County Highways response appears to say very little. This matter is covered in the Borough Council’s Committee report, and is addressed below.

Education

20 CPRE notes the response from Gloucestershire County Council Education dated 15 September 2014. We consider that the small shortfall in the number of places at the local primary school could be addressed by an appropriate Section 106 agreement; likewise the anticipated yield of secondary age pupils.

Flood Risk, Ecology and Archaeology

21 CPRE considers that none of these issues constitutes a constraint to development.

The Committee Report

22 CPRE has considered carefully the Committee report of 9 December 2014, and has drawn from it what we consider to be the following important points.

23 Paragraph 5.6 states that of the 2,612 dwellings required in rural areas, two thirds have already been committed, including the 47 dwellings now under construction at Beckford Road, Alderton.

24 Paragraph 5.13 acknowledges that the Council cannot demonstrate a five year supply of land for housing; the following paragraph refers to the Beckford Road Inspector's view that the location of that site in the SLA and close to the AONB did not remove the presumption in favour of sustainable development. The Committee report then makes it clear that benefits should be weighed against adverse effects in accordance with paragraph 14 of the NPPF.

25 Paragraph 6.5 refers to the response of the Council's Landscape Officer, which expresses a rather surprising (to us at least) lack of concern for landscape impacts. Nevertheless, the case officer concludes that the proposed development would cause some harm to the landscape, and that this factor weighs against it.

26 Paragraph 7.4 refers to the Urban Design Officer's comments, which include the following significant phrases: "not sufficiently integrated and connected element"; the "principal access...squeezed between two existing properties"; the development would be "relatively isolated from the village both visually and physically".

27 Paragraph 7.7 considers that the application does not adequately demonstrate that a reserved matters application would demonstrate good design. We interpret this as meaning that some characteristics of the site, particularly its location to the rear of existing development, may make it difficult for a satisfactory detailed design to be achieved in any circumstances.

28 Paragraph 9.5 acknowledges that "community cohesion" is difficult to define, but paragraph 9.7 proposes a simple measure - the percentage increase in Alderton's housing stock brought about by the Beckford Road development and this proposal if allowed. This 37% increase would make it hard for development to be easily integrated, at least in the short and medium term.

29 Paragraph 10.4 deals carefully with the issue of amenity for the two dwellings adjoining the proposed access, and concludes that the adverse effects weigh against the development.

30 The Overall Balancing Exercise which makes up section 17 of the report is addressed in our own section The Planning Balance below. At this stage we would simply note that this well balanced Committee report contrasts with what we regard as the appellant's somewhat cursory treatment of policy and other matters in the Planning Statement.

The Reasons for Refusal

31 CPRE notes the five reasons for refusal. We consider that the second, third and fourth could be overcome by means of an appropriate Section 106 agreement.

32 However, in relation to the fifth reason, we are not certain that suitable and adequate access to the site between numbers 54 and 56 Willow Bank Road could be achieved. We therefore support the Council in this respect, for the reasons outlined in the previous section.

33 We also support the Council in the substantial and wide ranging first reason, which covers the main matters of principle.

The Supply of Land for Housing

34 CPRE notes the Council's latest update of October 2014. In some scenarios, a five year supply of land can be shown, but these depend on including the major strategic allocations proposed in the Joint Core Strategy, all but one of which are in the Green Belt. The Council did not rely on these scenarios at the St Margaret's Road inquiry held in January 2015.

35 CPRE therefore accepts that the Council cannot at present demonstrate a five year supply of land for housing and that as a result, paragraph 49 of the NPPF is engaged.

Planning Appeals

36 As indicated above, CPRE was involved in both the Beckford Road and St Margaret's Drive appeals. We have noted the outcomes and the Inspector's reasoning in both cases. CPRE's letter of 15 September 2014 in respect of the present scheme drew attention to paragraph 76 of the Beckford Road decision. This states:

"I understand the concern raised by APC that permitting this development may "set a precedent" for others. Let me make it very clear that my decision in this appeal should not be interpreted as a finding that Alderton is necessarily a "sustainable location" for any further residential development. Rather, any proposal for such development will need to be assessed on its own site-specific merits, in the context of the Development Plan and national policy then in place. Substantially increasing the number of dwellings in a settlement without proportionate increases in infrastructure, employment opportunities and other local services risks eroding community cohesion, and the fact that 47 dwellings have now been allowed on appeal will be a consideration to be weighed in the balance when considering any future proposals".

37 Turning to the St Margaret's Road decision, we would draw attention to the following:

[IR30] "Alderton has grown organically and slowly over a long period of time and its physical character would change as a result of the major development that would arise from the Beckford Road scheme and the appeal proposals which, together, would represent a 39% increase in the number of dwellings. Alderton would appear more suburbanised and less of a rural settlement and it would be adversely affected as a consequence".

and

[IR53-55] "I also found that that the proposed development would have a disproportionate effect on the village in terms of the cumulative impact of development and also on the social wellbeing of the community. I attach significant weight to the harm that would arise.

The totality of the harm I have identified is not clearly outweighed by the social or economic benefits of the development, including the supply of new housing, both market and affordable.

In the context of the Framework taken as a whole, the adverse impacts of the proposed development significantly and demonstrably outweigh the benefits of the scheme. Accordingly, the proposal would not represent sustainable development for which a presumption in favour should apply".

38 In our opinion, these factors militate very strongly against significant further residential development in Alderton, wherever located.

Statement of Common Ground

39 CPRE understands that at the time of writing the Statement of Common Ground has not been signed and is thus not yet in the public domain. We may wish to comment on it at the hearing.

The Appellant's Statement of Case

40 Paragraph 3.2.1 identifies a "number of significant other material considerations" which it is argued outweighs what is acknowledged in the earlier Planning Statement to be a lack of complete compliance with the development plan. The first bullet point asserts that the proposed development performs (sic) the three roles (sic) of sustainable development. The third bullet point states that there are "no factors capable of significantly outweighing the benefits of the scheme..."

41 CPRE disagrees strongly with both propositions, for reasons set out in the sections below.

The Main Issues

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

- Whether the proposed development constitutes sustainable development
- The effect of the proposed development on the village
- The impact of the proposed development on the landscape
- The adequacy or otherwise of access to the site, and
- The balance to be struck between these considerations.

These are dealt with in turn below.

Sustainable Development

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

44 We deal first however with the question of how the NPPF should be interpreted, a matter given prominence in the Beckford Road decision at paragraphs 10 to 14.

45 CPRE, to use a phrase employed by the Inspector herself, disagrees “with the greatest respect” with the interpretation of “sustainable” in that decision. Rather, we agree with that of Lang J. We indeed consider that “*paragraph 14 NPPF [sic] only applies to a scheme which has been found to be sustainable development*” [IR12]. CPRE is aware that some senior opinion takes a different view; and for that reason we consider it appropriate to set out our own interpretation of paragraph 14 and those leading to it in some detail. With reference to the St Margaret’s Road decision [IR39], CPRE does not necessarily accept that the Dartford judgement supersedes or replaces the William Davis judgement in any way.

46 One approach to this issue is to consider the meaning of paragraph 14 if the word “sustainable” were omitted from its first sentence. As a preliminary, the relevant preceding paragraphs must also be examined.

47 The Ministerial foreword to the NPPF begins as follows: “*the purpose of planning is to help achieve sustainable development*”.

48 The first reference to sustainable development in the main body of the NPPF is in the unnumbered but highlighted section which precedes paragraph 6. The paragraph itself begins “*the purpose of the planning system is to contribute to the achievement of sustainable development*”.

49 No concise definition of sustainable development is provided; instead, the remainder of paragraph 6 refers to paragraphs 18 to 219 (virtually the whole document) as “[constituting] *the Government’s view of what sustainable development means in practice for the planning*

system". However, we infer from the Foreword and from paragraph 6 that unsustainable development is by definition undesirable, and should not be permitted or encouraged.

50 Paragraph 7 identifies three dimensions to sustainable development: economic, social and environmental, and Paragraph 9 sets out five objectives for sustainable development, a not necessarily exhaustive list.

51 CPRE concludes that there is a genuine purpose in including the word "sustainable" in the first sentence of paragraph 14, from both a consideration of the preceding paragraphs and from paragraph 14 itself.

52 The qualification introduced to paragraph 14 by the inclusion of the word sustainable is in our view vital, and the meaning of the paragraph is altered by its omission.

53 The last sentence of paragraph 12 states that *"it is highly desirable that local planning authorities should have an up to date [development] plan in place"*. It is in our view significant that an up to date plan is considered merely "highly desirable" rather than (for example) "essential" or "obligatory". An up to date development plan should help to ensure that development which does take place is sustainable, but cannot in our view guarantee it; furthermore, there is still a regrettably large number of local planning authorities, Tewkesbury included, which do not have an up to date plan.

54 The other test contained in paragraph 14 is expressed by the phrase *"any impacts of doing so would significantly and demonstrably outweigh the benefits"*. However, this and the reference to the development plan come after the reference in the first sentence to "sustainable" development, and should be interpreted in the light of the first sentence. If the word "sustainable" is omitted from the first sentence, then the tests relating to the development plan, and the benefits set against adverse effects, do not in our opinion constitute a strong enough safeguard against unsustainable development.

55 The Beckford Road decision [IR12] states that *"Paragraph 14 does not specify certain criteria against which each scheme must first be assessed, in order to determine that it would constitute sustainable development, before then going on to apply a presumption in that development's favour"*. This is, we think, fair if paragraph 14 were considered on its own. However our broader reading, for the reasons outlined above, leads us to conclude that a prior consideration of whether a potential development is sustainable or not must be carried out before the provisions of paragraph 14 are applied.

56 Returning to the provisions of paragraph 7, the proposal would in our opinion bring little economic benefit to the local area. Even jobs in the construction stage are likely to be taken by people living outside the area. 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.

57 In relation to paragraph 9, the proposed development will not create permanent jobs. It is difficult to see how it would bring about a significant net increase in bio-diversity. It may improve the conditions in which people live but will not necessarily improve the other three aspects of life referred to. It may well widen the choice of high quality homes, but the location of such homes is one of the most important considerations in planning.

58 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.

59 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 detailed distribution of housing in Tewkesbury's rural areas is addressed in the Tewkesbury Local Plan.

60 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.

61 The fact that the 47 dwellings at Beckford Road were allowed will make development on the site the subject of this inquiry, and any other sites in the village, even less sustainable. Indeed, paragraph 72 of the Beckford Road decision states in part:

"Additionally, in terms of environmental harm, the occupiers of the new houses would be largely dependent on the use of private cars to access employment, shops and other necessary services. This would be at odds with national and local policies aimed at encouraging the use of more sustainable modes of transport, in order to reduce congestion and pollution" (CPRE emphasis).

62 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 in the interests of promoting sustainable development. 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 adopted policy. For the time being, it would certainly not be appropriate (for example) to divide the 752 dwellings proposed for the 15 service villages in the submitted JCS equally among them.

63 The submitted JCS says nothing about development being needed specifically at Alderton. The only reference to the village in the entire document is in Table SP2c which lists the service villages as part of the settlement hierarchy.

64 We acknowledge that Policy SP1 of the JCS is subject to objection, but there is no necessary link between the level of development in the service villages and the overall housing requirement. Even if after the Examination total housing provision is significantly increased, it is much more likely in our opinion (and certainly more desirable) that any such increase will be accommodated on major allocations in more sustainable locations, where economies in infrastructure provision and more affordable housing can be secured.

65 CPRE concludes that the proposed development cannot reasonably be regarded as sustainable, and if that is the case, it follows that the presumption in favour of development set out at paragraph 14 of the NPPF does not apply.

Community Cohesion

66 CPRE, given that its County branch by definition covers the whole of Gloucestershire, and that its local district covers three of the County's six local government districts, does not have the detailed local knowledge possessed by the Parish Council and local residents. It is clear however from the two previous inquiries that the Parish Council's views are broadly based, and by no means represent the views of a small minority.

67 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.

68 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 NPPF 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.

69 For these reasons CPRE fully supports Alderton PC's views on the subject of community cohesion. We hope that these matters, which after all relate to the significant (if in our opinion neglected) provisions of the NPPF referred to above, will be given suitable weight in the decision.

70 CPRE is well aware of the principle that every planning application and appeal should be dealt with on the merits (or otherwise) of an individual case. Nevertheless it seems

pertinent to point out that the potential effects on community cohesion of this proposal (53 dwellings) would be almost as great as the recently dismissed proposal at St Margaret's Drive (net 59 dwellings). If this appeal and that at Willow Bank Road East (24 dwellings) were both allowed, then the potential effect on community cohesion would be even greater.

Landscape Impact

71 CPRE notes the following from the appellant's Landscape and Visual Assessment. First, the numbers of viewpoints, nine in all (6 local views, 2 medium distance views, and one long distance view, described at paragraphs 3.22 to 3.24) seem to us inadequate to carry out a thorough assessment of landscape impact.

72 Secondly, there do not appear to be any grounds for the assertion at paragraph 5.3 that the development will "complement the western extension of the village". The Beckford Road development extends the village much further west in relation to the number of dwellings it provides; but at least it maintains the broadly east-west form of the village.

73 Thirdly, the mitigation of landscape effects seems to depend more than in many cases on the growth to maturity of the proposed planting. We invite the Inspector to give this matter due consideration in his or her decision.

74 CPRE also notes the response of the Council's Landscape Officer dated 2 October 2014. In our opinion, it makes light of what we consider to be adverse landscape impacts. Paragraph 6.5 of the Committee report refers to the Landscape Officer's view that the proposed development would round off the settlement and would not be a prominent incursion into the open countryside.

75 On the contrary, the proposed development in our opinion cannot reasonably be described as rounding off, and it would constitute an ill-shaped and disproportionately damaging incursion into the open countryside, as a result of its location and shape. Its adverse effects would be significant even if the Beckford Road development were not taking place; in combination, the adverse effect is even greater.

Access to the Site

76 Here, we simply invite the Inspector to consider whether the proposed access is adequate to cater for the traffic movements likely to arise from the proposed 53 dwellings, and to attach appropriate weight to the concerns expressed in the Committee report about the effect on the amenities of the occupants of numbers 54 and 56 Willow Bank Road.

The Planning Balance

77 Even if it is concluded that the Dartford, rather than the William Davis, approach to sustainability is the more appropriate, and that as a result the benefits and adverse effects

need to be assessed in accordance with paragraph 14, we still consider that the appeal should be dismissed.

78 CPRE's view of the planning balance can most concisely be set out in relation to the Council's Committee report. This report is a considered and measured appraisal, which makes it clear, among other things, that some significant factors weigh in favour of the proposed development.

79 On the whole, CPRE supports the case officer's reasoning and conclusions. However, we disagree in some respects. The Committee report considers that the economic benefits of the proposed development weigh in its favour. Our view is that such benefits would derive equally from the construction of 53 dwellings in a more appropriate location in the Borough. The labour market for construction industry employees in all trades is geographically quite wide. It is not as if suitably qualified and experienced people in the immediate area would be deprived of the opportunities for employment if the development were to take place elsewhere in the Borough.

80 Benefits for example from consumer spending and council tax revenues would be broadly the same on the edge of Bishop's Cleeve or Tewkesbury as in Alderton. The only difference is in the likely level of support for Alderton's local services – but in the same way as people cannot be compelled to live close to their work, they are not obliged to spend their money locally.

81 We acknowledge, as does the Council, that there would be social benefits which weigh in favour of the development. We share however the Council's concerns about the likely reliance of any new residents on the private car.

82 Turning to the environmental dimension of sustainability, we consider that there no serious natural environment issues which would be a significant constraint. We note too that the Council has included design under this heading, and support its conclusions in this respect.

83 Thus our view of the balance of benefits set against adverse effects militates even more strongly against the development.

Summary and Conclusions

84 In respect of the main issues it has identified, CPRE finds the following:

- 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 the landscape and visual impact of the proposed development on the SLA and the nearby AONB would be adverse

- That there is reasonable doubt about the adequacy of the proposed access, and that in any event the amenities of the two adjoining properties would be adversely affected
- That on balance the adverse effects of the proposed development outweigh the potential benefits.

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

1 May 2015