

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

Committee:	Planning
Date:	15 September 2020
Site Location:	Land Adj Coach House Shurdington Road Shurdington Cheltenham Gloucestershire GL51 4XF
Application No:	20/00623/FUL
Ward:	Shurdington
Parish:	Shurdington
Proposal:	Engineering operations to upgrade an historic access track
Report by:	Dawn Lloyd
Appendices:	Site location plan Proposed Block Plan Proposed Section Planning Statement
Recommendation:	Refuse

The Application has been called in for planning committee determination by Councillor Surman to determine the effect of the proposal on the Green Belt.

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site is the former Coach House of Lowther which has been extended to form a separate dwelling house. The site lies to the north of Lowther which has access off the Shurdington Road. It is a paddock with boundary hedges to the north and western boundaries, with trees and hedgerow to east and south. There trees that are protected by Tree Preservation Orders on the site of Lowther House. The area lies within the Green Belt.
- 1.2 The application is a resubmission of an application previously refused on the application 30th June 2020 and called in to Planning Committee for determination.
- 1.3 The proposal is for the retention of engineering operations to form a new access track from Shurdington Lane, to serve the Coach House. The track has a gated access onto Shurdington Road in the north east corner of the field, and diagonally crosses the field from the north east to south west corner of the site. The material is Type 1 aggregate.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
T.484/A	Outline application for a kitchen and bathroom extensions to existing Coach House to provide a dwelling unit.	PER	22.09.1971
T.484/A/AP	Extensions to existing coach house to provide a kitchen and bathroom.	APPROV	19.07.1972
19/00673/FUL	Demolition of first floor and single storey side extension and erection of single storey side and rear extensions (resubmission of 19/00065/FUL).	PER	23.08.2019
20/00018/NMA	Non material amendment for planning application 19/00673/FUL	GRANT	28.04.2020
20/00292/FUL	Retention of engineering operations to form a new access track from Shurdington Lane, to serve the Coach House	REF	30.06.2020

3.0 RELEVANT POLICY

The following planning guidance and policies are relevant to the consideration of this application:

National guidance

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG)

Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) - Adopted 11 December 2017

Policies: SD5 (Green Belt), SD 6 (Landscape), SD14 (Health and Environmental Quality), INF1 (Transport Network)

Tewkesbury Borough Local Plan to 2011 - March 2006 (TBLP)

Policies: HOU10 Change of use of agricultural land to residential curtilage

Tewkesbury Borough Plan 2011-2031 – Pre-Submission Version (October 2019)

Policies: RES11 Change of use of agricultural land to domestic garden

Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)

The First Protocol, Article 1 (Protection of Property)

4.0 CONSULTATIONS

The consultation period had not expired at the time of writing this report and the committee will be updated regarding representations by a planning update.

Shurdington Parish Council: Object for the following reasons:

1. The current application is not materially different from the earlier application 20/00292/FUL. The Parish Council objected to this earlier application on the basis that it saw no reason why the Coach House [a property situated within the boundaries of Lowther House] should need its own access unless that access is for a temporary period and for the specific purpose of allowing vehicular access to the site during development works. This earlier application was refused.

2. The Parish Council notes that the present application "... is intended to protect the upgraded track's retention in perpetuity for the benefit of the Coach House as well as for ease of maintenance of the land further West and North West" and is a departure from assurances given in an earlier application [19/00673/FUL] that no new or altered vehicular access to or from the public highway was proposed.

Tree Officer: Comments awaited

Highway Authority: No objection subject to a condition requiring the access to be in accordance with the approved plans with gates set back 5 m from edge of carriage way.

5.0 PUBLICITY AND REPRESENTATIONS

The application has been publicised through the posting of a site notice for a period of 21 days which expires on the 10th September 2020. The committee will be updated on the representations received.

6.0 POLICY CONTEXT

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 6.2 The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), and a number of 'made' Neighbourhood Development Plans.
- 6.3 The Pre-Submission Tewkesbury Borough Plan was submitted to the Secretary of State for Housing, Communities and Local Government on 18 May 2020 for examination. On the basis of the stage of preparation it has reached it is considered that the plan can be afforded at least moderate weight. However, the weight to be attributed to individual policies will be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and their degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).
- 6.4 The relevant policies are set out in the appropriate sections of this report.

7.0 ANALYSIS

Principle of development

- 7.1 Saved Local Plan Policy HOU10 states that the change of use of agricultural land to residential curtilage will not be permitted if there is visual impact on the form, character of the settlement and if there is significant encroachment into the surrounding countryside, and the extension is incongruous with the characteristic pattern of surrounding gardens. The reasoned justification clarifies that within the Green Belt such proposals will not normally be permitted given the objectives of those designations.
- 7.2 Policy RES11 of the Pre-Submission Tewkesbury Borough Plan carries forward the objectives of Policy HOU10 setting out that planning permission will only be granted for the change of use of agricultural land to domestic garden providing that:
1. there is no adverse environmental or visual impact on the form, character or setting of the settlement
 2. there is no significant encroachment into the surrounding countryside, and
 3. the form of the extension is not incongruous with the characteristic pattern of surrounding gardens.
- The reasoned justification of RES11 similarly clarifies that such proposals within the Green Belt will not normally be permitted given the objectives of that designation.
- 7.3 One of the core planning principles of the NPPF is that the planning system should recognise the intrinsic character and beauty of the countryside. Section 11 of the NPPF sets out that the planning system should contribute to and enhance the local environment by, inter alia, protecting and enhancing valued landscapes. Policy SD6 of the JCS states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being.
- 7.4 The 'Coach House' was permitted for use as a dwelling under planning permission 19/00673/FUL and access was to be via an existing driveway running along the northern side of Lowther House, terminating in a yard area used for parking and turning. To facilitate construction works, a temporary access to the Coach House was created which the current application seeks to retain and up-grade in order to create a separate access to the Coach House from Shurdington Road. The applicants statement also argues that the up-graded access would also provide an improved route to the paddocks beyond. The proposal to create a permanent residential access to serve the 'Coach House' would effectively extend the curtilage of that property into agricultural land. Having regard to the above policies it is therefore necessary to assess the impact the proposal would have on the prevailing rural character of the immediate area, and on the Green Belt. The suitability of the proposed access onto the A38 is also a consideration.

Landscape Character

- 7.5 The applicant's planning statement maintains there was a historic track which crossed the site. Whilst there is evidence from aerial photographs of a track being there in 2006, aerial photographs of the site do not show a track across the paddock before 2006 or between 2014 and 2018 and it seems clear that prior to the current development, any pre-existing agricultural track had fallen out of use and become overgrown and reverted to grass.
- 7.6 Notwithstanding the above, Officers consider that the appearance of agricultural tracks typically have a different character and appearance to residential driveways which, by virtue of their regular use, have a more permanent and urban appearance. The track dissects the field. Although it is accepted that rural tracks similar in nature can be characteristic of a rural landscape, in this instance character of the paddock has been lost and the field would be dominated by the track. It would appear as an incongruous, and unwarranted feature which results in unacceptable visual and landscape harm.
- 7.7 It is also the case that, in the interests of highway safety, the County Highways Authority would require that the width of the existing access be significantly widened to approximately 8m with any gates being set back by 5 metres and with the bell-mouth being surfaced with a bound material. This would result in the removal of existing hedges either side of the existing gated access. The formalised and engineered access (and its bell-mouth splay) would have an urban appearance that would add to the visual harm of the proposal that would be at odds with the existing rural character and appearance of the immediate area.
- 7.8 As set out above, the 'Coach House' already benefits from access which is shared with Lowther House. Whilst the current proposal may provide a more convenient access for the applicants, it is not considered this would outweigh the harms identified above.

Green Belt

- 7.9 The Government attached great importance to Green Belts. The fundamental aim of green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence (paragraph 133 of the NPPF). One of the purposes of the Green Belt is to safeguard the countryside from encroachment (paragraph 134 of the NPPF). Section 13 of the National Planning Policy Framework (NPPF) sets out that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 7.10 Policy SD5 of the JCS considers that development will be restricted to that which is in accordance with the NPPF. Paragraph 146 holds that engineering operations are not inappropriate development provided they preserve the openness of the green belt and do not conflict with the purposes of including land within it. The NPPF does not define openness, but the PPG provides guidance on what factors can be taken into account when considering the potential impact of development on the openness of the Green Belt. It clarifies that such an assessment requires a judgment based on the circumstances of the case. These include, but are not limited to:

- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
- the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
- the degree of activity likely to be generated, such as traffic generation.

- 7.11 The proposal would result in a permanent residential drive / track to serve the Coach House and would be clearly visible crossing an open field. The associated regular vehicle movements along the drive together with the visual impact of the track itself would have an impact on the openness of the Green Belt in this location. As set out above, the existing access onto the road would be required to be set back 5m with a section of tarmac or bound material for 5m up to the carriageway edge of the public road. The formalised and engineered access would have an adverse visual impact and together with the drive / track would be seen as a clear encroachment into the surrounding rural landscape.
- 7.12 Taking the above into account, it is considered that the proposal does not preserve the openness of the Green Belt and conflicts within one of the purposes including land within the Green Belt (i.e. to safeguard the countryside from encroachment). The proposal therefore constitutes inappropriate development in the Green Belt which is by definition harmful. These are matters that significantly weigh against the proposal.

Access and highway safety

- 7.13 The site has an existing gated access and the County Highway Authority (CHA) consider the intensification of the use of the track would require alterations to the access and have therefore recommend conditions requiring the access is set back 5 metres from the from the edge of the footpath and to be in a bound material, the gates to open inwards and no surface water flows to be directed to the carriageway. Subject to such a condition the CHA have no objection to the proposal.

Other matters

- 7.14 Comments from the Tree Officer have not been received at the time of writing this report. **An up-date will be provided at committee.**

8.0 CONCLUSION AND RECOMMENDATION

- 8.1 Taking into account all of the above, the proposal is considered to comprise inappropriate development in the Green Belt that would impact on the its openness and conflict with one of the purposes of Green Belt, that is to safeguard the countryside from encroachment. In addition, the proposal would result in harm to the character and appearance of the rural area.

- 8.2 It is the case that the 'Coach House' already benefits from an existing vehicular access and it is not considered that the benefits of providing a separate access, or any other considerations, clearly outweigh the harms identified above and no very special circumstances have been demonstrated. Therefore, the proposal is considered to be contrary to the relevant policies of the adopted development plan and the recommendation is to **Refuse.**

Reasons for refusal

1 The proposed development conflicts with saved Policy HOU10 of the Tewkesbury Borough Local Plan to 2011 - March 2006, Policy SD6 of The Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (December 2017), Policy RES11 of the Pre-Submission Tewkesbury Borough Plan and the NPPF, in that it would result in an unwarranted landscape intrusion that would be harmful to the rural character and appearance of the surrounding area.

2 The proposed development conflicts with Policy SD5 of The Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (December 2017) and the National Planning Policy Framework in that it represents inappropriate development in the Green Belt which would compromise its open character, appearance and purpose.

INFORMATIVES:

1. In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.