

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	20 July 2021
Site Location:	Manor Farm Market Lane Greet Cheltenham Gloucestershire GL54 5BJ
Application No:	21/00380/PIP
Ward:	Winchcombe
Parish:	Winchcombe
Proposal:	Permission in principle for up to 6 no. dwellings following demolition of redundant farm buildings
Report by:	James Lloyd
Appendices:	Site location plan
Recommendation:	Approve

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is located to the western side of Market Lane, in Greet.
- 1.2 The site measures approximately 0.37 hectares and currently comprises an undeveloped field and a number of modern agricultural buildings.
- 1.3 The site has a boundary of mature trees to the eastern edge (facing onto Market Lane) and leads to open pasture land to the west. The site is relatively flat.
- 1.4 The site is located within a Special landscape Area (SLA) and Flood Zone 1.
- 1.5 This application is for a Permission in Principle (PIP), as provided for in the Town and Country Planning (Permission in Principle) Order 2017.
- 1.6 The current application is the first stage of the process and seeks solely to establish whether the site is suitable in principle for the erection of six dwellings.
- 1.7 The Government's guidance sets out that the scope of the first stage of permission in principle is limited to the location, land use and amount of development.

2.0 RELEVANT PLANNING HISTORY

- 2.1 None pertaining to this application site

3.0 RELEVANT POLICY

3.1 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

Policy SP1 (Need for New Development)
Policy SP2 (Distribution of New Development)
Policy SD6 (Landscape)
Policy SD9 (Biodiversity)
Policy SD10 (Residential Development)
Policy INF1 (Transport Network)

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

Policy LND2 (Special landscape Area)

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

Policy RES3 (New Housing Outside Settlement Boundaries)
Policy RES4 (New Housing at Other Rural Settlements)
Policy RES5 (New Housing Development)
Policy HER2 (Listed Buildings)
Policy LAN1 (Special landscape Areas)
Policy ENV2 (Flood Risk & Water Management)
Policy COM4 (Neighbourhood Development Plans)

Neighbourhood Development Plan

Winchcombe and Sudeley 2011 – 2031

Policy 1.1 (Protecting the Distinctive Character of the Area)
Policy 3.1 (Infill Development)

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

Full copies of all the consultation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>

4.1 **Winchcombe Town Council** – Objection on the following grounds:

- Glimpses of green space are an important element of the built design and character of Greet (a separate settlement with an individual character, according to the Winchcombe Town Design Statement).

- Policy 1.1 of the Winchcombe and Sudeley Neighbourhood Plan, development should reflect local character and should protect areas of ecological importance.
- The green space, with views through to the field beyond, is a distinctive element of Greet's character.
- An earlier planning application for housing on the road towards Littleworth was refused on similar grounds.
- The proposal could only be built with a short, shared access road, which would create a density of housing out of character of built design in Greet.
- The Town Council does, however, encourage the applicant to consider submitting an application limited to the area covered by the extensive, now redundant barn.

4.2 **County Highways Officer** – No objection (conditions recommended for technical details stage)

4.3 **Conservation Officer**- No objection

4.4 **Archaeologist** – Potential Archaeological significance, therefore archaeological assessment and evaluation would be required at Technical Details stage.

4.5 **Environmental Health Advisor** – No objection, no adverse comments to make in relation to noise/nuisance or air quality.

4.6 **Flood Risk & Management Officer** – No objection to development in principle.

5.0 PUBLICITY AND REPRESENTATIONS

Local Residents – 18 Letters of objection (in summary)

- Re-development of the brownfield part of the site is considered acceptable (converting buildings to dwellings) however, re-development of the open field would not be supported.
- If Market Lane starts to lose one of its rural aspects, it will become just a road lined with houses on each side.
- Manor Farm has some lovely old Cotswold stone farm buildings and feel that at some later date these too may be converted to houses.
- The design of any proposed dwellings should be in keeping with the area.
- Further development inevitably increases demand on Winchcombe's infrastructure and also reduces Greet's character as a hamlet.
- The conversion / development of the existing farm buildings should be confined to the existing footprint only.
- Recent appeal decisions for a wider part of the field have led to dismissed applications for between 4 – 10 dwellings
- The proposal does not conform with the Housing policies of the development plan.
- Greet is not a village and has no social, leisure, religious or shopping amenities whatsoever.
- Increase in traffic movements as a result of other development in the area.
- Greet is not suitable as a designated development area for its future housing needs.
- The site in question is adjacent to the manor house and building any new homes there will adversely impact on the visual aspects of the historic centre of the hamlet.
- This application could lead onto more development of the wider site at a later date.
- The junction of Market lane and Becketts Lane is dangerous.
- Greet has virtually no suitable bus service and well over 90% of people movements are by car through a road structure developed and virtually unchanged in well over 100 years.

- Currently Manor Farm provides a diverse habitat for wildlife including owls, bats, hedgehogs, pheasants, red kites, buzzards and other countless birds.
- Development on this site will increase light pollution.
- Development on this site will increase flooding risks.
- It would significantly change the open and rural nature of Market Lane.
- A more traditional approach to the development of possibly 2 or 3 dwellings sticking to the existing road frontage would be far more appropriate.
- The development is next door and in the vicinity of listed buildings and should this development proceed, it would need to be in keeping with the surrounding area.
- The proposal would have a devastating effect on our enjoyment of our home. It would also reduce the monetary value of our house.

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 for this area currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP).
- 6.3 The Tewkesbury Borough Plan (TBP) has reached an advanced stage. The Examination in Public was held in February/March 2021 and the Inspector's post hearings Main Modifications letter was received on 16th June 2021. In this letter the Inspector provided his current view as to what modifications are required to make the Plan 'sound'.
- 6.4 Those policies in the Pre-submission version of the TBP which are not listed as requiring main modifications may now attract more weight in the consideration of applications, with those policies which do in the Inspector's view require main modifications attracting less weight depending on the extent of the changes required. The TBP remains an emerging plan and the weight that may be attributed to individual policies will still 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 the degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).
- 6.5 The Council has approved the designation of a Neighbourhood Plan Area and whilst it is understood that a Plan is being progressed, no Plan has yet been published for consultation.
- 6.6 Other material policy considerations include the National Planning Policy Framework (NPPF) and its associated Planning Practice Guidance.

7.0 ANALYSIS

- 7.1 The guidance (paragraph 012 of the Planning Practice Guidance) for permission in principle (PIP) states that the scope of the PIP is limited to:
- location
 - land use
 - amount

Each of these are discussed in below.

LOCATION

- 7.2 The site is not an allocated housing site in the adopted development plan for the area and therefore the provision in policy SP2(5) does not apply. However, policies SP2 and SD10 of the JCS together allow for development of housing in the remainder of the area in certain circumstances, including on previously developed land and infilling in a village.
- 7.3 JCS policy SD10 specifies that, on sites that are not allocated, housing development and conversions to dwellings will be permitted on previously developed land in the existing built-up areas of Gloucester City, the principal urban area of Cheltenham and Tewkesbury town, rural service centres and service villages except where otherwise restricted by policies within district plans. Housing development on other sites will only be permitted where it constitutes affordable housing; constitutes infilling within a town or village, is brought forward via a community right to build order; or is allowed for in district or neighbourhood plans. This strategy is consistent with the NPPF which seeks to avoid isolated new homes in the countryside (paragraph 79 refers).
- 7.4 Greet is not identified as a Service village in either the Joint Core Strategy or the Tewkesbury Borough Plan Submission Version. There is currently no defined settlement boundary around Greet. The application site comprises of part agricultural buildings and part of an open parcel of agricultural land. As the site is not a rural service centre it would not comply with criterion 3 of Policy SD10 of the JCS.
- 7.5 Criterion 4 of Policy SD10 of the JCS advises that housing development on other sites would only be permitted in specific circumstances. Point ii allows for the provision of housing if it is infilling within the existing built-up area of Tewkesbury Boroughs towns and villages. Greet benefits from a number of facilities and is within walkable distance from Winchcombe. The existing built-up area of Greet includes properties along Market Lane, Evesham Road and Becketts Lane. These properties predominantly follow a linear pattern, fronting onto the road. Given the location of the site on Market Lane it is considered that it would be within the existing built-up area for the purposes of Criterion 4 of Policy SD10.
- 7.6 The site form's part agricultural land and part existing farm buildings. The existing developed area is situated to the north of the site and comprise of large agricultural buildings, this portion of the site projects further to the west than the existing residential properties to the south. South of the agricultural buildings, the western boundary of the field mirrors that of the existing residential properties to the south. The shape of the site and the indicative layout plan suggests that residential units could be accommodated in a form that would read as an infill given that development would not project further west into the agricultural field nor beyond the extent of the existing farm buildings.
- 7.7 A previous inspectors decision resulted in an application for housing being dismissed in 2016 on the far western side of the field along the Evesham Road. The inspector identified harms to the Special landscape Area that would result from development of this part of the site. Notwithstanding the Inspectors decision the current proposal addresses a different application site, albeit part of the same larger agricultural field. The scheme proposes the re-development of existing buildings and whilst this would change the context of this part of the site it should be acknowledged that there are already many residential properties within close proximity. The change in use to residential from an agricultural use would not result in an alien use for this part of Market Lane. The development of the field would effectively infill a gap between the farm to the North and existing residential properties to the south. The indicative layout plan shows how the linear form of development could be largely maintained. Whilst it is regrettable that an open gap along Market Lane would be lost the development would be viewed within the context of existing built form and would not appear divorced from

the settlement. Therefore, the proposed development site is considered to constitute infill within the built-up area of the village and in compliance with Policy SD10 in this regard.

- 7.8 Policy 3.1 of the WSNP provides that residential development on infill and redevelopment sites will be supported within the built-up areas as shown within the adopted proposals map. The settlement of Greet lies outside of the Built-up Area boundary, as defined by Policy 3.1 of the WSNP. Given this there would be conflict with Policy 3.1 of the WSNP which seeks to support new residential development on infill and redevelopment sites, provided they are within the built up area as defined by Appendix 1 of the proposals map.
- 7.9 The Pre-submission Tewkesbury Borough Local Plan (TBLP) does not propose a settlement boundary for Greet. Outside of these settlement boundaries Policy RES3 stipulates that new residential development will only be acceptable if it falls within a specified criteria of development types (for example, it would be a replacement dwelling) or involves development through local initiatives including Community Right to Build Orders and Neighbourhood Development Orders. Outside settlement boundaries RES3, criterion 3, considers that very small-scale development at rural settlements may be acceptable where it is in accordance with Policy RES4 .
- 7.10 Whilst not part of the development plan, policies RES3 and RES4 of the emerging Tewkesbury Borough Plan to 2031 are also material considerations. Policy RES3 supports very small-scale development at rural settlements in accordance with Policy RES4. Policy RES4 follows and supports very small-scale residential development within and adjacent to the built-up areas of other rural settlements providing:
- a) it is proportionate to the size and function of the settlement and maintains or enhances sustainable patterns of development;
 - b) it does not have an adverse cumulative impact on the settlement having regard to other developments permitted during the plan period; as a general rule no more than 5% growth or 10 dwellings, whichever is lesser, will be allowed;
 - c) it complements the form of the settlement and is well related to existing buildings within the settlement;
 - d) the site of the proposed development is not of significant amenity value or makes a significant contribution to the character and setting of the settlement in its undeveloped state;
 - e) the proposal would not result in the coalescence of settlements;
 - f) the site is not located in the Green Belt, unless the proposal would involve limited infilling in a village, limited affordable housing for local community needs (in accordance with Policy RES6) or any other exceptions explicitly stated within the National Planning Policy Framework.
- 7.11 For the reasons set out above (paragraphs 7.6 & 7.7), it is considered that the proposal would complement the form of the settlement and is reasonably well related to existing buildings. Furthermore, it is considered that the proposal would be proportionate to the size and function of the settlement and would not result in an adverse cumulative impact. The proposal would also not result in the coalescence of settlement. However, that the weight that can be afforded to this policy is currently reduced due to the stage that the emerging Plan has reached.

THE COUNCIL'S 5 YEAR HOUSING LAND SUPPLY AND THE IMPLICATIONS OF THE NPPF

- 7.12 Whilst the proposal is contrary to Policy 3.1 of the WSNP, it is also currently the case that the Council cannot demonstrate a 5-year supply of deliverable housing sites. As set out in the latest Tewkesbury Borough Five Year Housing Land Supply Statement published in December 2020, the Council can demonstrate a 4.35 year supply of deliverable housing sites. On the basis therefore that the Council cannot at this time demonstrate a five year supply of deliverable housing sites, paragraph 11d of the NPPF is engaged. The presumption is therefore that permission should be granted unless (i) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This will be assessed in the conclusion below.
- 7.13 In a recent appeal decision at Ashmead drive, Gotherington, the Inspector concluded that the Council can demonstrate a 1.82 year supply. This is principally because the Council includes advanced delivery (or 'oversupply') against annual housing Requirements in its five-year supply calculations. The Council's firm view is that, in the context of the plan-led system, it is wrong not to take into account houses that have already been delivered during the plan period, essentially ahead of schedule, and which meet the needs being planned for in the area. The Council's firm position is That it can demonstrate a 4.35 year supply at this time and that there are robust grounds for a successful challenge of this appeal decision. On that basis proceedings Have now been issued in the High Court. It is notable that appeal decisions are not binding precedents, and other Inspectors have taken a different approach to previous over supply.

LAND USE

- 7.14 The guidance sets out that housing led development is an accepted land use for the Permission in Principle application process. The application is for six dwellings.
- 7.15 It is considered that subject to suitable design, six dwellings could be accommodated on the site of 0.37 hectares, along with any associated outdoor amenity space and on-site parking provision. The site would have access onto Market Lane. Following consultation with the Highways Authority, no objections are raised in respect of the principle of this development. The exact access details would be assessed at the technical details stage.
- 7.16 Following consultation with the Environmental Health consultant, no objections are raised in respect of noise and nuisance.

AMOUNT

- 7.17 Subject to achieving a suitable design, it is considered that six dwellings could be physically accommodated on the site in an acceptable manner, along with any associated outdoor amenity space and on-site parking provision.

OTHER MATTERS

- 7.18 Issues have been raised by members of the public and Town Council during the consultation process regarding highway safety/access, residential amenity, ecology and drainage. These are all matters which are properly dealt with at 'technical details' stage.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1 On the basis the Council cannot at this time demonstrate a five year supply of deliverable housing land, the Council's policies for the provision of housing should not be considered up-to-date in accordance with footnote 7 of the NPPF. In accordance with paragraph 11 of the NPPF the presumption in favour of sustainable development (the 'tilted balance') applies. The presumption is therefore that permission should be granted unless policies for protecting assets of particular importance provides a clear reason for refusing the development or any adverse impacts of permitting the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.2 There are no clear reasons for refusal arising from NPPF policies for the protection of areas or assets of particular importance in this case and therefore the decision-making process for the determination of this application is to assess whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

Benefits

- 8.3 The development would contribute towards the supply of housing to help meet the objectively assessed need for housing in the Borough.
- 8.4 In terms of economic benefits, as with any new residential development, the construction of new dwellings brings benefits during the construction phase and, following construction, through additional spending power in the local economy as a result of the increased population.

Harms

- 8.5 The site does not fall within the built-up area boundary, as defined by Policy 3.1 of the WSNP. Consequently, the development would be contrary to the requirements of the Winchcombe and Sudeley Neighbourhood Plan. This counts against the proposal.
- 8.6 Modest harm upon the landscape would arise from the introduction of six dwellings on what is currently part undeveloped agricultural land.

Neutral

- 8.7 It is considered that the proposal would be acceptable in terms of numbers proposed on the site. Details of highway, landscape, ecology, design, mix, drainage, layout and residential amenity will be decided through the technical matters stage.

Overall Conclusion and Recommendation

- 8.8 The development would conflict with the strategic housing policies of the WSNP. However, given the Council's five year housing land position these policies cannot be considered to be up-to-date and therefore the presumption in favour of sustainable development applies. In this case, the modest harm of the development on landscape character is not considered to significantly and demonstrably outweigh the benefits in the overall planning balance when considering whether the location of the site is suitable for housing. Therefore, the permission in principle should be Granted.

INFORMATIVES:

1. A technical details application for the approval of matters must be made prior to commencement of development and no later than the expiration of three years from the date on this decision notice, after this period this planning permission in principle shall lapse.
2. The matters specified below should be included within a technical details application:
 - a) A detailed layout of the site of the proposed development (including site levels as existing and proposed) and relationship with adjoining development;
 - b) The design and external appearance of the proposed development;
 - c) Landscaping proposals, including all boundary treatments, for the site of the proposed development;
 - d) Details of the means of access including visibility splays and tracking for waste vehicles;
 - e) Details of access and parking arrangements for cars;
 - f) An archaeological assessment and evaluation of the impact of development is required;
 - g) Details of the proposed water supply and surface / foul water drainage arrangements;
 - h) A preliminary ecological appraisal of the site including any existing buildings (along with all relevant surveys that the appraisal triggers), with the report to include all results, mitigation and appropriate enhancements;
 - i) A scheme for the protection of the retained trees and hedgerows, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an Arboricultural Impact Assessment (AIA) of trees within and adjacent to the site with details of those to be removed and those to be retained, including details of their protection during the construction phase; and
 - j) Full details of proposed tree and hedgerow planting, to include planting and maintenance specifications, including use of guards or other protective measures and confirmation of location, species and sizes.

Statement of Positive and Proactive Engagement

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.

CIL: IMPORTANT INFORMATION

Tewkesbury Borough Council is a charging authority for the Community Infrastructure Levy (CIL). It is your responsibility to ensure that the requirements of the CIL Regulations are met. The Council will make every effort to ensure that a Liability Notice providing details of the potential charge is dispatched as soon as possible after planning permission or consent is granted. If you do not receive a Liability Notice please contact the Council. If you have been granted an Outline Planning Permission you will be required to submit the CIL Planning Application Additional Information Requirement form along with your Reserved Matters application.

IMPORTANT - All CIL requirements, including assuming liability to pay the charge, claiming any exemption or relief and notifying the Council of your intention to commence development, must be met before any works begin on site - including any demolition. Further information regarding CIL can be found on our website at <https://www.tewkesbury.gov.uk/planning> or you can contact us at cil@tewkesbury.gov.uk.