

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	21 December 2021
Site Location:	Gretton Farm Gretton Road Gretton
Application No:	21/01197/PIP
Ward:	Winchcombe
Parish:	Gretton
Proposal:	Permission in principle for between one and six new dwellings.
Report by:	Bob Ristic
Appendices:	Site location plan Block plan
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site comprises a parcel of land sited to the western edge of Gretton and on the Southern side Gretton Road which measures 0.46 hectares in area.
- 1.2 The site lies to the west of Gretton Farm Bungalow and comprises an overgrown area of land which is screened from the road by a mature hedge. To the rear, the site adjoins the heritage railway line which runs along a raised embankment.
- 1.3 The site lies immediately to the west of the settlement boundary to Gretton and within the Special Landscape Area (SLA) as identified on the proposals map to the Tewkesbury Borough Local Plan to 2011 (2006).
- 1.4 The application seeks Planning in Principle for between 1 and 6 dwellings.
- 1.5 **A committee determination is required as the Parish Council object to the proposal.**

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
16/00525/FUL	Change of Use of part of agricultural holding to equine comprising change of use and extensions to agricultural building to provide stabling, change of use of existing agricultural storage building to grooms accommodation, horse walker, lunge pen and associated works	PER	23.08.2016

3.0 RELEVANT POLICY

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

3.1 National guidance

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

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

- SD3 (Sustainable Design and Construction)
- SD4 (Design Requirements)
- SD6 (Landscape)
- SD8 (Historic Environment)
- SD9 (Biodiversity and Geodiversity)
- SD10 (Residential Development)
- SD14 (Health and Environmental Quality)
- INF1 (Transport Network)

3.3 Tewkesbury Borough Local Plan to 2011 – March 2006 (TBPL)

- LND2 (Special Landscape Area)

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

- RES3 (New Housing Outside Settlement Boundaries)
- RES4 (New Housing at Other Rural Settlements)
- LAN1 (Special Landscape Areas)

3.5 Neighbourhood Plan

None

3.6 Other relevant policies/legislation

- 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 Gretton Parish Council – Object

- Site lies outside the village development boundary.
- Would alter the character of the village.
- Site is extremely susceptible to flooding.
- Neighbouring properties have flooded
- Concerned that any development on this site will make this situation worse.
- Site is a critical visual element, when viewed from the Alderton approach to the village
- Would impact Gretton's rural village character.
- Use of suburban house types would suburbanise the north end of the village.
- Site is one of substantial biodiversity.
- The Council is introducing and supporting measures to increase biodiversity and sustainability in the village
- Would cause a major loss of habitat.
- JCS Inspector stated that development should be concentrated on those areas with strong local facilities

- Villages like Gretton should not be subject to these development pressures.
- Gretton falls outside the "service village" category.

4.2 County Highways Officer – No objections

- Proposal would not have an unacceptable impact on Highway Safety or a severe impact on congestion

4.3 County Archaeologist – No objections

4.4 Environmental Health Officer – No Noise or air quality issues

5.0 PUBLICITY AND REPRESENTATIONS

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

5.1 The application has been publicised through the posting of a site notice for a period of 21 days. Four representations have been received in response and then comments raised are summarised below:

- 5.2**
- Developments within the village and surrounding areas are detrimental to the character of Gretton
 - Increasing number of developments are being proposed and approved
 - Potential to set a precedent for further substantial development on farmland
 - Would have a significant impact on local wildlife habitats
 - Increase in great crested newt sightings
 - Flooding and drainage issues
 - 23 new dwellings already built, significant impact following the Spitfire Homes development
 - New modern high-pitched houses do not add/complement the character of the village
 - Would look out of place and would ruin the atmosphere of the village
 - Would impact views
 - Would result in ribbon development
 - New houses would completely change the landscape
 - Building work will result in disruption and noise
 - Increase in dog mess and traffic
 - Bus services are limited

- Residents would rely on private vehicles
- Outside of village boundary

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 Tewkesbury Borough Plan (TBP) has reached an advanced stage. The Pre-Submission TBP was submitted for examination in May 2020. Examination in Public (EiP) took place over five weeks during February and March 2021. The examining 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** A schedule of Main Modifications to the Pre-submission TBP were approved at the meeting of the Council on 20th October 2021 and is now published for consultation as the Main Modifications Tewkesbury Borough Plan (MMTBP).
- 6.5** Those policies in the MMTBP which were not listed as requiring main modifications may now attract more weight in the consideration of applications, with those policies which are subject to 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 (including as with modifications as published for consultation) 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).
- 6.6** The relevant policies are set out in the appropriate sections of this report.
- 6.7** Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2021 and its associated Planning Practice Guidance (PPG), the National Design Guide (NDG) and National Model Design Code.

7.0 ANALYSIS

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

Each of these are discussed in below.

Location and Principle of development

- 7.2** Gretton comprises a small village which does not benefit from a defined settlement boundary in the JCS or emerging Local Plan, however the application site is located adjacent to the previously defined built up area as shown on the proposals map to the TBLP to 2011 and in proximity to local services, albeit limited.
- 7.3** Policy SP2 of the JCS sets out the strategy for the distribution of new development across the JCS area and Policy SD10 ('Residential Development') specifies that, within the JCS area, new housing will be planned in order to deliver the scale and distribution of housing development set out in Policies SP1 and SP2. On sites that are not allocated, as in this instance, housing development and conversions to dwellings will be permitted on previously-developed land in the existing built-up areas and housing development on other sites will only be permitted where it constitutes affordable housing; infilling within a town or village. The JCS defines infill development as the development of an under-developed plot well related to existing built development. The application site lies outside of the previously defined village boundary and conflicts with Policy SD10. While it is not considered an underdeveloped plot it is however located at the edge of the village and is adjoined on two sides by existing residential development and to the south by built development in the form of the embankment to the heritage railway line.
- 7.4** In terms of the emerging Local Plan the application site is not identified as a Housing Site Allocation within the MMTBP and Gretton does not have a defined settlement boundary within the Proposals Map. Emerging Policy RES3 provides 7 criteria in which the principle of new residential development outside of the defined settlement boundaries will be considered acceptable. The only criteria of relevance to this application is (3) very small scale development at rural settlements in accordance with Policy RES4.
- 7.5** Policy RES4, provides 5 criteria which would apply to applications proposing very small-scale residential development within and adjacent to the built-up area of other rural settlements. While criteria b) sets an indicative growth limit of 5%, which has been exceeded by the recent Spitfire Homes development (which was allowed at appeal), the application site however adjoins the existing built-up area and could be considered to complement the existing linear form of this part of the settlement in accordance with criteria c). It is however noted that this is an emerging policy and while it can be afforded moderate weight at this time, particular regard would need to be had to the Council's Five Year Housing Land Supply.
- 7.6** As set out in the latest Tewkesbury Borough Five Year Housing Land Supply Statement published in December 2020, the Council can demonstrate a 4.39 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 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 and in accordance with Paragraph 11 of the NPPF the presumption in favour of sustainable development (the 'tilted balance') applies. Paragraph 11 of the NPPF states that where policies which are most important for determining the application are out of date, permission should be granted unless: d)i. the application of policies in the Framework that protect assets of particular importance provides a clear reason for refusing the development; 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 below.

- 7.7 Members will be aware of the appeal decision at Ashmead Drive in which the Inspector concluded that the Council could demonstrate a 1.82 year supply and the subsequent High Court judgment. The Judge found that the Gotherington Inspector had not erred in law in arriving at that conclusion not to take previous oversupply into account in determining that appeal.
- 7.8 Appeal decisions are not binding precedents however. That the Council includes advanced delivery (or 'oversupply') against annual housing requirements in its five-year supply calculations is, in officers view, in the context of the plan-led system, is the correct approach. This is because not taking into account those 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 would serve to artificially increase the plan-led housing requirement.
- 7.9 It is noteworthy that, in his judgment, the Judge made it clear that it was not for him to make policy, *"The question of whether or not to take into account past oversupply in the circumstances of the present case is... a question of planning judgment which is not addressed by the Framework or the PPG and for which therefore there is no policy". He went on- 'No doubt in at least most cases the question of oversupply will need to be considered in assessing housing needs and requirements'.*
- 7.10 More recently the Council has received two appeal decisions following public inquiries where the issue of 'oversupply' was also debated. In an appeal at Coombe Hill, the Inspector noted that taking into account *'past performance exceeding the annual average of the plan's requirement... seems to me to be a just approach, because it reflects reality, not a theoretical formula applied without consideration of actual outturns.'*
- 7.11 In another appeal decision for a scheme at Alderton, the Inspector arrived at a similar conclusion, saying that *'Nonetheless, in my judgement, the Council's method of taking account of an over-supply against the annual requirement is not be [sic] an unreasonable one.... To continue to require 495 homes a year when the past over-supply would indicate a lesser requirement, would, it seems to me, be to 'artificially inflate' the housing requirement. I am not convinced, having accepted this position, that the appellant's argument that the supply is as low as 2.08 years is robust.'*
- 7.12 Officer's advice is therefore that a 4.39-year supply can be demonstrated at this time. Nevertheless, as set out above, as the Council cannot demonstrate a five-year supply of deliverable housing sites and the presumption in favour of sustainable development is therefore engaged in this case.

Land use

- 7.13 The guidance sets out that housing led development is an accepted land use for the Permission in Principle application process. While matters of detail remain a consideration for the Technical Matters stage it is noted that no objections have been raised in respect of the principle of development by the County Council Highways Officer, Environmental Health Adviser of County Archaeologist.

Amount

- 7.14** The Application initially sought permission for up to 9 dwellings. This has subsequently been revised down to a maximum of 6 dwellings and a range of between 1 and 6 dwellings is currently proposed by the application. While up to 6 dwellings could physically be accommodated on this site, it would be for the applicant to demonstrate at the 'technical details' stage that whatever final amount is proposed, that this could be accommodated upon the site in a satisfactory manner.

Other Matters

- 7.15** While concerns have been raised with regards to character, design, drainage, ecology and landscape impact, it should be noted that these matters do not fall within the scope of this application and would remain matters for consideration at the technical details stage. Any issues which may arise must be overcome through that part of the process and before development could proceed.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1** 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

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

Harms

- 8.3** The site does not fall within the built-up area of Gretton nor can it be considered an under-developed plot. Consequently, the development would be contrary to the requirements of JCS Policy SD10. This counts against the proposal. Modest harm upon the landscape would arise from the introduction of between 1 and 6 dwellings on what is presently undeveloped agricultural land.

Neutral

- 8.4** 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 considered at the technical matters stage.

Overall conclusion

- 8.5** The development would conflict with the strategic housing policies of the JCS. However, given the Council's five year housing land position these policies should not be considered to be up-to-date and therefore the presumption in favour of sustainable development applies. In this case, the modest harm upon the landscape character would not 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**.

CONDITIONS:

Nil

INFORMATIVES:

1. The 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. In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner offering pre-application advice, detailed published guidance to assist the applicant and published 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.

3. 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.

4. 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.
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