

Planning Committee

Date	25 May 2023
Case Officer	Chloe Buckingham
Application No.	23/00205/FUL
Site Location	Land North Of Sandy Pluck Lane, Bentham
Proposal	One self-build single-storey detached dwelling, including re-use of existing access from Sandy Pluck Lane, landscaping and parking, following demolition of redundant former agricultural barns and removal of concrete hardstanding.
Ward	Badgeworth
Parish	Badgeworth
Appendices	<ul style="list-style-type: none"> • P6 And P12 Treatment Plant (Ds0968k) • Site Location Plan (PI001 A) • Topographical Site Survey (PI002 A) • Existing Building Plans And Elevation (PI003 A) • Proposed Site Plan (PI004 A) • Proposed Ground Floor And Roof Plan (PI005 A) • Proposed Elevations 1 (PI006) • Proposed Elevations 2 (PI007) • Proposed Landscape Plan (PI008 A) • Comparison Sketches 1 (PI009) • Comparison Sketches 2 (PI010) • Proposed Sketch Views (PL011 A) received 24th February 2023.
Reason for Referral to Committee	Parish Support and Cllr Vines declaration of interest
Recommendation	Refuse

Site Location



1. The Proposal

Full application details are available to view online at:
<https://publicaccess.tewkesbury.gov.uk/online-applications>

- 1.1 Full Application for 1no. self-build single-storey detached dwelling, including re-use of existing access from Sandy Pluck Lane, landscaping and parking, following demolition of redundant former agricultural barns and removal of concrete hardstanding.

2. Site Description

- 2.1 The application site relates to land between the dwellings known as Brook House and Brook Cottage, forming part of a small cluster of dwellings outside of any settlement in the open countryside. The site comprises 0.2 hectares and is a former agricultural site comprising of a single storey brick barn to the site frontage and a larger concrete framed portal barn to the rear of the site. An extensive area of concrete hardstanding lies between the two barns, with soft landscaping comprising the remainder of the site.
- 2.2 The site is situated in designated Green Belt land within a group of existing dwellings fronting Sandy Pluck Lane. On the opposite side of Sandy Pluck Lane and to the rear of the site are open agricultural fields.
- 2.3 The site has an existing access to Sandy Pluck Lane, which is an unmarked rural lane providing access to the farmsteads of Little Syringa Farm and Hunt Court Farm.
- 2.4 A brook (Normans Brook) runs along the north side of Sandy Pluck Lane and crosses the front of the application site. The site is, however, located within Flood Zone 1, an area at lowest risk of flooding.

3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
91/93569/OUT	Outline application for the erection of three houses and one bungalow.	REFUSED	19/11/1991
93/01276/OUT	Outline application for the erection of two dwellings. Alteration to access.	REFUSED	11/01/1994
16/00905/FUL	Proposed new dwellinghouse and double garage in place of existing derelict farm buildings.	REFUSED	25/10/2016

4. Consultation Responses

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

- 4.1** Cllr Vines- declaration of interest- Cllr Vines is the current owner of the rear part of the site of the application above.
- 4.2** Badgeworth Parish Council – Supports the application for the following reasons;
1. It would not conflict with the five purposes of the Green Belt.
 2. Sandy Pluck Lane is a hamlet which, by definition, is a small village- this is therefore, limited infilling in a village.
 3. Limited infilling of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development.
 4. The footprint of the existing farm buildings is the same as the proposed dwellings, and the removal of the large farm building to the rear will open up the landscape across the agricultural land in the Green Belt.
- 4.3** Highways – Objection.
- 4.4** Drainage- No objection.
- 4.5** Tree Officer- No objection subject to three conditions.
- 4.6** Ecology- No objection subject to three conditions.
- 4.7** Building Control - The application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

5. Third Party Comments/Observations

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

- 5.1** Neighbour notifications were posted, and a consultation period of 21 days was carried out and 5 support comments have been received. The main points being:
- Infill plot and the single storey nature of the proposed dwelling and the fact that the dwelling is no bigger than the footprint of the existing structures, will mean that the development shall have no impact on openness of the Green Belt.
 - The site is currently dilapidated and very unsightly and as such this development will be an improvement.
 - The architecture is in-keeping.
 - No effect on privacy of neighbours.
 - The current site houses derelict farm buildings which pose a risk of occupancy.
 - The derelict site provides access to our storage shed which heightens the risk of burglaries which have been an increasing issue in the neighborhood in the past 2 years.

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

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

6.2 National guidance

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

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

SP2 (Distribution of New Development)
SD3 (Sustainable Design and Construction)
SD4 (Design Requirements)
SD5 (Green Belt)
SD6 (Landscape)
SD9 (Biodiversity and Geodiversity)
SD10 (Residential Development)
SD11 (Housing mix and Standards)
SD14 (Health and Environmental Quality)
INF1 (Transport Network)
INF2 (Flood Risk Management)
INF3 (Green Infrastructure)

6.4 Tewkesbury Borough Local Plan to 2011-2031 (TBLP) – Adopted 8 June 2022

Policy RES2 (Settlement Boundaries)
Policy RES3 (New Housing Outside Settlement Boundaries)
Policy RES4 (New housing at other rural settlements)
Policy RES5 (New Housing Development)

Policy DES1 (Housing Space Standards)
Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features)
Policy NAT2 (The Water Environment)
Policy NAT3 (Green Infrastructure- Building with Nature)
Policy ENV2 (Flood Risk and Water Management)
Policy TRAC9 (Parking Provision)
Policy LAN2 (Landscape Character)
Policy GRB4 (Cheltenham-Gloucester Green Belt)

7. Policy Context

- 7.1** 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.
- 7.2** The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011-2031 (June 2022) (TBLP), and a number of 'made' Neighbourhood Development Plans.
- 7.3** The relevant policies are set out in the appropriate sections of this report.
- 7.4** 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.

8. Evaluation

Principle of development

- 8.1** Policy SP2 of the JCS sets out the strategy for the distribution of new development across the JCS area, and JCS 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. It sets out that housing development will be permitted at sites allocated for housing through the development plan, including Strategic Allocations and allocations in district and neighbourhood plans. Policy SA1 of the JCS formally designates seven Strategic Allocations on the edges of existing urban areas and focuses on the need to deliver comprehensive development in each of these areas. The application site is not located within any of these Strategic Allocations.
- 8.2** Policy SD10 of the JCS 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 (paragraph 79 refers) seeks to avoid isolated new homes in the countryside.

- 8.3** Policy RES3 states that outside of the defined settlement boundaries (identified on the Policies Map) the principle of new residential development will be considered acceptable where development being proposed consists of: 1. The reuse of a redundant or disused permanent building (subject to Policy RES7) 2. The sub-division of an existing dwelling into two or more self-contained residential units (subject to Policy RES8) 3. Very small-scale development at rural settlements in accordance with Policy RES4 4. A replacement dwelling (subject to Policy RES9) 5. A rural exception site for affordable housing (subject to Policy RES6) 6. Dwellings essential for rural workers to live permanently at or near their place of work in the countryside (subject to Policy AGR3) 7. A site that has been allocated through the Development Plan or involves development through local initiatives including Community Right to Build Orders and Neighbourhood Development Orders.
- 8.4** Policy RES4 of the TBLP explains that to support the vitality of rural communities and the continued availability of services and facilities in the rural areas, very small-scale residential development will be acceptable in principle within and adjacent to the built up area of other rural settlements (i.e. those not featured within the settlement hierarchy) providing: a) it is of a scale that 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 indication no more than 5% growth 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. In all cases development must comply with the relevant criteria set out at Policy RES5. Particular attention will be given to the effect of the development on the form, character and landscape setting of the settlement.
- 8.5** The site is located in the open countryside outside of any settlement or recognised settlement boundary. Whilst it forms part of a small cluster of dwellings this is not considered to constitute a rural settlement in its own right. The application site on Sandy Pluck Lane is some distance away (approx. 2km) from the built-up areas of Bentham and Shurdington, and physically separated from them by the A46 (Shurdington Road). The site is not therefore located within or on the edge of a village or settlement. The site is also remote from any services and community facilities within the nearest settlements, with poor access to transport by modes other than the private car to access services and facilities. The proposal is therefore contrary to policies SP2 and SD10 of the JCS and policies RES3 and RES4 of the TBLP, and unacceptable in principle.

Green Belt

- 8.6** Paragraph 137 of the National Planning Policy Framework (NPPF) states that the government attaches 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.

- 8.7** Paragraph 138 of the NPPF states that the Green Belt serves 5 purposes:
- (a) to check the unrestricted sprawl of large built-up areas;
 - (b) to prevent neighbouring towns merging into one another;
 - (c) to assist in safeguarding the countryside from encroachment;
 - (d) to preserve the setting and special character of historic towns; and
 - (e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 8.8** Paragraph 147 of the NPPF, Policy SD5 of the JCS and Policy GRB4 of the TBLP states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 8.9** Paragraph 148, Policy SD5 of the JCS and Policy GRB4 of the TBLP states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 8.10** Local Plan Policy GRB4 and paragraph 149 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are (amongst other criteria):
- (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - (e) limited infilling in villages;
 - (g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
- 8.11** Local Plan Policy GRB4 and Paragraph 150 of the NPPF states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are (amongst other criteria):
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction.
- 8.12** The applicant has explained that they are firmly of the view that Bentham is a village and that the properties along Sandy Pluck Lane form part of that village. The applicant has explained that villages take various forms and layout and Bentham is a dispersed linear settlement, with its historical centre lying on Bentham Lane, a continuation of Sandy Pluck Lane on the opposite side of Shurdington Road.

- 8.13** To try to strengthen the argument that the site is located within the village of Bentham, the applicant has quoted an appeal for the planning application reference; 21/01312/PIP. The site was on land adjacent to Blenheim Way (Appeal Ref – APP/G1630/W/22/3291784). The applicant has suggested that the Inspectors comments would also be relevant to the proposals at Sandy Pluck Lane:

Given its location, the proposed dwelling would be flanked in either side by existing dwellings....as a result, it would relate well to the existing pattern of development along the road, assimilating effectively with the wider street scene. When viewed from the more open fields to the west, the proposal would also be read within the context of surrounding residential development, which would again allow it to integrate effectively within the existing built fabric of the village. Given this surrounding context, I consider that the proposed development would constitute infill development, as envisioned by the Framework.

- 8.14** Whilst it is agreed that the site in question could be described as being infill in the context of it forming a gap between two dwellings it is not considered that it constitutes an infill site in a village in the context of the NPPF or Policy GRB4 of the TBLP. The application site on Sandy Pluck Lane is some distance away (approx. 2km) from the built-up area of the village and physically separated from it by the A46 (Shurdington Road). The site cannot therefore be considered to be located within the village, rather it is a cluster of dwellings isolated from the settlement. The site referenced in the appeal was very much considered to be within the village and is a very different context to the site proposed in the current application. It is therefore considered that this appeal is not relevant to the current application and does not set a precedent for development in this location.
- 8.15** The proposed development does not fall within any of the above exceptions and would constitute inappropriate development in the Green Belt.
- 8.16** There are not considered to be any Very Special Circumstances to outweigh the identified harm. Therefore, the scheme is contrary to the provisions of the NPPF, policy SD5 of the JCS and policies RES3, RES4 and GRB4 of the TBLP.

Impact on the openness of the Green Belt and the character of the area

- 8.17** There is no formal definition of openness, but it is generally accepted to be the absence of built form. The building to the front of the site is a low-key, single storey building, with the rear building being a Dutch barn and therefore having an open construction.
- 8.18** The applicant has explained that the application proposals would secure an improvement in visual and spatial openness of the Green Belt in this location. The site at present contains two redundant and semi-derelict agricultural buildings and an extensive hardstanding area, which would be removed as part of the proposals. The combined footprint of the existing buildings on the site is 293 sqm, with a total volume of 1,051 cubic metres, whereas the proposed dwelling has a smaller volume of 1,046 cubic metres and a footprint of 300sqm. In addition, the overall height of the proposed dwelling would be lower than the existing built form on the site. The applicant has also suggested that the greatest benefit would be achieved through the improvement to visual openness on the site, with a consolidation of built form towards the centre of the site and consequent reduction in spread across the site, importantly away from the boundary of the site with open countryside beyond to the north.

- 8.19** The dwelling proposed in a previously refused application on the site (ref.16/00905/FUL) was a substantial two-storey, four-bedroom dwelling and detached garage. It is noted that the applicant is now proposing a single storey, flat-roofed 4/5 bedroom property with an integral garage. Whilst the single-storey flat roof design is considered to be an improvement on the previously refused 2016 proposal in terms of the impact of the dwelling on the landscape, the footprint of the dwellings is still considered to be large, and the change of use of the land to residential would still be accompanied with all the domestic trappings and paraphernalia that would go with it. Whilst it is agreed that the new dwelling would not be materially larger than the existing buildings, the large modern dwelling and domestic paraphernalia that comes with a residential use would still change the character and appearance of site and, given the scale of the proposed dwelling, there would still be harm to the openness of the Green Belt.
- 8.21** The demolition of the existing agricultural buildings is noted, however, the site is considered to be low-key. An Inspector in an appeal decision for a similar site in the Bath Green Belt (reference; APP/F0114/W/16/3163432), acknowledged that the site was last used for agricultural purposes and there could be outside storage of machinery affecting openness and that the proposed is the same size as what was existing. However, the Inspector argued that the agricultural use was authorised and a common activity in Green Belts. Furthermore, whilst it is acknowledged that the current application site is located adjacent to other residential development, it is outside any defined settlement boundary and, as such, is considered to be within a rural location.
- 8.22** 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. Proposals will have regard to local distinctiveness and historic character of different landscapes and proposals are required to demonstrate how the development will protect landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement area.
- 8.23** Policy LAN2 of the TBLP states that all development must, through sensitive design, siting, and landscaping, be appropriate to, and integrated into, their existing landscape setting. In doing so, relevant landscape features and characteristics must be conserved and where possible enhanced, having regard to the Gloucestershire Landscape Character Assessment 2006 and the Cotswolds AONB Landscape Character Assessment 2003. All proposals which have potential for significant landscape and visual effects should be accompanied and informed by a Landscape and Visual Impact Assessment (LVIA) to identify the sensitivity of the landscape, and the magnitude and significance of landscape and visual effects resulting from the development, using a suitably robust methodology.
- 8.24** The site has an overgrown and low-key appearance. The proposed dwelling is substantial in terms of size and scale, and its footprint is significantly larger than the adjacent dwellings and has a very modern appearance. As such the proposal would change the rural character of this part of Sandy Pluck Lane and would be harmful to the character and appearance of the local landscape.

- 8.25** In view of this, the proposed development would be harmful to the openness of the Green Belt and would not respect the character of the rural area and is contrary to JCS policies SD5 and SD6, Local Plan Policies GRB4 and LAN2, and the advice contained within the NPPF.

Five Year Housing Land Supply

- 8.26** The NPPF states that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 8.27** Under Paragraph 74 of the National Planning Policy Framework (NPPF) Local Planning Authorities are required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies.
- 8.28** The adopted JCS became five years old on 11th December 2022, therefore as required by paragraph 74 of the NPPF the Council's 5-year housing land supply position was reconsidered, based on the standard method of calculation.
- 8.29** As a result of the move to the standard method TBC moved to a single district approach. This has resulted in the addition of the JCS allocations within the boundary of Tewkesbury Borough, where deemed deliverable, which had previously been attributed to meet the housing needs of Gloucester City Council under Policy SP2 of the JCS.
- 8.30** On 7th March 2023, the Council's Interim Five-Year Housing Land Supply Statement was published which sets out the position on the five-year housing land supply for Tewkesbury Borough as of 11th December 2022 (five years since the adoption of the JCS) and covers the five-year period between 1 April 2022 and 31 March 2027. The Interim Statement confirms that, when set against local housing need for Tewkesbury Borough calculated by the standard method, plus a 5% buffer, the Council can demonstrate a five-year housing land supply of 6.68 years. It is therefore advised that, as the Council can demonstrate a five-year supply of deliverable housing sites, the presumption in favour of sustainable development (or "tilted balance") is not engaged in this case.

Design and Visual Amenity

- 8.31** Policy SD4 of the JCS relates to design requirements and requires proposals to demonstrate how the following principles have been incorporated; context, character and sense of place, legibility and identity, amenity and space, public realm and landscape, safety and security, inclusiveness and adaptability and movement and connectivity.
- 8.32** Criterion 6 of Policy SD10 'Residential Development' of the JCS states the residential development should seek to achieve maximum density compatible with good design, the protection of heritage assets, local amenity, the character and quality of the local environment, and the safety and convenience of the local and strategic road network.

- 8.33** Policy RES5 states that in considering proposals for new housing development regard will be had to the following principles. Proposals should (amongst other criteria):
- be of a design and layout that respects the character, appearance and amenity of the surrounding area and is capable of being well integrated within it;
 - be of an appropriate scale having regard to the size, function and accessibility of the settlement and its character and amenity, unless otherwise directed by policies within the Development Plan;
 - where an edge of settlement site is proposed, respect the form of the settlement and its landscape setting, not appear as an unacceptable intrusion into the countryside and retain a sense of transition between the settlement and open countryside;
 - not cause the unacceptable reduction of any open space (including residential gardens) which is important to the character and amenity of the area;
 - incorporate into the development any natural or built features on the site that are worthy of retention.
- 8.34** The proposed dwelling has been revised from the previously refused application to be a single storey, flat-roofed contemporary dwelling. It is noted that the front elevation will face towards the highway and the building position shall follow the existing building line of neighbouring development.
- 8.35** The dwelling is proposed to be constructed using pale facing brickwork, dark timber cladding and rendered panels. Aluminium window frames will be used, and a green living flat roof is proposed.
- 8.36** Renewable energy technology has been incorporated into the design, including roof mounted solar panels and an air-source heat pump.
- 8.37** A landscaping plan (PL008 A) is submitted which shows the dwelling would be surrounded by grassed garden areas with scope for further tree and hedgerow planting, and terraces and hardstanding would be surfaced with block pavements.
- 8.38** Whilst it is agreed that the render material proposed is found in other dwellings nearby, the modern dwelling is not considered to be in-keeping with the character and appearance of neighbouring dwellings, which are generally two-storey and traditionally designed. The scheme is therefore contrary to policies SD4 and SD10 of the JCS and policy RES5 of the TBLP.

Effect on the Living Conditions of Neighbouring Dwellings

- 8.39** JCS policies SD4 and SD14 require development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space. Development should have no detrimental impact on the amenity of existing or new residents or occupants.
- 8.40** Policy DES1 explains that Tewkesbury Borough Council adopts the Government's nationally described space standards. All new residential development will be expected to meet these standards as a minimum. Any departure from the standards, whether for viability of physical achievability reasons, will need to be fully justified at planning application stage. New residential development will be expected to make adequate

provision for private outdoor amenity space appropriate to the size and potential occupancy of the dwellings proposed.

8.41 Policy RES5 states that in considering proposals for new housing development regard will be had to the following principles. Proposals should (amongst other criteria):

- provide an acceptable level of amenity for the future occupiers of the proposed dwelling(s) and cause no unacceptable harm to the amenity of existing dwellings;

8.42 Due to the distances between the proposed dwelling and neighbouring occupiers, as well as the single storey nature of the proposed dwelling, there are not considered to be any significant residential amenity impacts for neighbouring properties nor any future occupiers of the host dwelling in terms of loss of privacy, loss of light etc. The resulting outdoor amenity space for the proposed dwelling is also considered acceptable for a dwelling of this size. The proposed dwelling also complies with the nationally described space standards and the scheme is compliant with policies DES1 and RES5 of the TBLP.

Highways

8.43 Policy INF1 of the JCS sets out that permission shall only be granted where the impact of development is not considered to be severe. It further states that safe and efficient access to the highway network should be provided for all transport means.

8.44 Policy TRAC9 of the TBLP states that proposals for new development that generate a demand for car parking space should be accompanied by appropriate evidence which demonstrates that the level of parking provided will be sufficient. The appropriate level of parking required should be considered on the basis of the following:

- 1) the accessibility of the development;
- 2) the type, mix and use of development;
- 3) the availability of and opportunities for public transport;
- 4) local car ownership levels;
- 5) an overall need to reduce the use of high emission vehicles; and
- 6) a comparison of the forecast trip generation and resultant accumulation with the proposed parking provision.

8.45 Policy RES5 states that in considering proposals for new housing development regard will be had to the following principles. Proposals should (amongst other criteria):

- make provision for appropriate parking and access arrangements and not result in the loss or reduction of existing parking areas to the detriment of highway safety;

8.46 It is noted that the Highway Authority has objected to the scheme on sustainability grounds due to the limitations to the choice of transport modes available for future occupiers. Whilst the nearest bus stops are located some 300m southeast from the site, there are no designated pedestrian footways along Sandy Pluck Ln which is subject to national speed limit with no street lighting, and future residents would be discouraged to their use as a result. The nearest everyday services and facilities such as secondary school and convenience store are located some 2.7km south from the site, and the nearest primary school some 1.4km north. The lack of suitable services and facilities within reasonable walking distances would present a barrier for future occupiers and

result in heavily, if not entirely, dependency on private vehicle for commuting and access to everyday services and facilities. Cycling however, could still be perceived as a suitable means of transport for those more experienced cyclists, yet for the reasons set out above, less experienced cyclists would likely be discouraged to do so. The Highway Authority therefore concludes that given the location of the site, there are no realistic transport choices other than the private vehicle to gain access to the site.

- 8.47** In the previous refused application, the Highway Authority noted that, due to the nature of Sandy Pluck Lane, being narrow with no footpath, traffic is likely to be travelling at low speeds. In view of this, it was considered that the proposed access arrangements would not be prejudicial to highway safety. It is also noted that there is a sufficient level of parking available within the integral garage and on the driveway to the front. Whilst the impact of the development on the highway network is not considered severe and it would provide an appropriate level of parking, it would fail to address sustainable transport by virtue of a lack of provision of a choice of transport modes for future occupiers which cannot be mitigated. The scheme would not therefore be compliant with policy INF1 of the JCS and would conflict with the sustainable transport aims of the NPPF.

Drainage and Flood Risk

- 8.48** JCS Policy INF2 advises that development proposals must avoid areas at risk of flooding and must not increase the level of risk to the safety of occupiers of a site and that the risk of flooding should be minimised by providing resilience and taking into account climate change. It also requires new development to incorporate Sustainable Urban Drainage Systems (SUDS) where appropriate to manage surface water drainage. This advice is reflected within the Council's Flood Risk and Water Management SPD.
- 8.49** Policy ENV2 of the TBLP states that in order to avoid and manage the risk of flooding to and from new development in the Borough, in addition to the requirements of the National Planning Policy Framework and the Joint Core Strategy the Council will apply the following principles:
- Proposals (including surface water drainage schemes) should be designed to appropriate, locally specific allowances for climate change for peak river flood flows and rainfall intensity, and undertake new hydraulic modelling where necessary.
 - Opportunities to reduce the existing risk of flooding from all sources in the Borough will be sought, including, requiring developments to contribute towards the provision of additional flood storage on sites located within the headwaters of the Borough's watercourses or other techniques such as natural flood management and re-naturalisation of watercourses (link with Policy NAT2).
 - All proposals will be expected to incorporate sustainable drainage systems where appropriate and proportionate to the scale and nature of development proposed.
 - Proposals must demonstrate that development is designed to use and manage water efficiently, including rainwater harvesting and greywater recycling where possible.
 - Surface water drainage proposals should, where appropriate, achieve significant betterment on existing discharge rates for all corresponding storm events.
 - Sustainable drainage systems should be designed to achieve multifunctional benefits. Priority should be given to green/soft solutions and the integration of sustainable drainage systems with green infrastructure and street networks.
 - Arrangements for the long term maintenance of sustainable drainage systems must be in place to the Council's satisfaction.

- Opportunities to improve and subsequently maintain existing measures for providing an adequate warning system within the borough, through appropriate financial contributions, 121 will be sought where any new development relies on such a service over its lifetime to allow safe access/egress for future residents.
- Foul water drainage from new development should, wherever possible, be managed via the mains sewer. Adequate infrastructure to accommodate this (both in terms of physical capacity and environmental capacity) must be available or capable of being made available in a timely manner.

8.50 The applicant proposes the discharge of foul water to the mains sewer that runs past the site. There are two potential surface water drainage solutions, either via infiltration/soakaways or by attenuated discharge to the watercourse at the front of the property. In relation to surface water the Drainage Engineer confirms no objection to the application. A drainage condition is recommended to secure the details and implementation of the drainage scheme.

Impact on Ecology

8.51 Policy SD9 of the JCS seeks for the protection and enhancement of biodiversity and to establish and reinforce ecological networks. This includes ensuring that those European Species and Protected Species are protected in accordance with the law.

8.52 Policy NAT1 of the TBLP states that proposals, where applicable will be required to deliver biodiversity net gains. Policy NAT3 of the TBLP seeks for development to contribute towards the provision, protection and enhancement of the wider green infrastructure network.

8.53 The application has been submitted with a Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) report (Arbtech Ltd, September 2022) and the findings of which are accepted.

8.54 If the scheme were found to be acceptable a number of conditions are proposed to ensure that the recommendations included within the Preliminary Ecological Appraisal and Preliminary Roost Assessment report (Arbtech Ltd, September 2022) would be strictly adhered to. These include a pre-commencement site inspection for badgers. In addition, demolition of the buildings is to be undertaken outside the main nesting bird season (March to August inclusive) where possible. If this is not possible, a nesting bird inspection should be undertaken by a suitably qualified ecologist, prior to commencement of works. Should any active nests be found in either building, the nest(s) must be retained until the young have fledged. A further condition is recommended regarding the submission of a lighting strategy scheme showing the location and specification of the lighting supported by contouring plans demonstrating any light spill into adjacent habitats. A final condition would ensure an Ecological Enhancement Scheme is submitted to the local planning authority for review prior to commencement.

Trees

- 8.55** Policy INF3 of the JCS states that development proposals should consider and contribute positively towards green infrastructure, including the wider landscape context and strategic corridors between major assets and populations. Existing green infrastructure will be protected in a manner that reflects its contribution to ecosystem services (including biodiversity, landscape / townscape quality, the historic environment, public access, recreation and play) and the connectivity of the green infrastructure network. Development proposals that will have an impact on woodlands, hedges and trees will need to include a justification for why this impact cannot be avoided and should incorporate measures acceptable to the Local Planning Authority to mitigate the loss. Mitigation should be provided on-site or, where this is not possible, in the immediate environs of the site. Where assets are created, retained or replaced within a scheme, they should be properly integrated into the design and contribute to local character and distinctiveness. Proposals should also make provisions for future maintenance of green infrastructure.
- 8.56** Policy NAT1 relates to biodiversity, geodiversity and important natural features and provides that development likely to result in the loss, deterioration or harm to features of environmental quality will not be permitted unless the need/benefits for development outweigh the impact, the development cannot be located on a site with less harmful impacts and measures can avoid, mitigate or, as a last resort, compensate for the adverse effects. Policy NAT3 of the TBLP states that development must contribute, where appropriate to do so and at a scale commensurate to the proposal, towards the provision, protection and enhancement of the wider green infrastructure network.
- 8.57** The Tree Officer has been consulted and recommends that the Category A oak tree that has the prominent position at the entrance of the site shall be kept and the submitted arboriculture method statement is considered acceptable. If the scheme were acceptable conditions would be attached regarding tree/hedgerow planting scheme details required and provision for replacement planting, the implementation of approved trees/hedgerow protection measures and an arboricultural site supervision condition.

Other Matters

- 8.58** It is noted that the applicant has stated this is a self-build property, although the applicant is not entered on the self-build register. At the time of writing, there are 212 individuals and 5 groups entered on the self-build register (217 total). From 31/10/2016 – 30/10/2022 42 permissions for self-build dwellings were approved and 121 permissions for single dwelling serviced plots suitable for self-build were approved. From 13/10/2021 – 30/10/2022 15 permissions for self-build dwellings were approved and 16 permissions for single dwelling serviced plots suitable for self-build were approved. On the basis of this information, it is considered that the Council has made provision for serviced self-build plots across the Borough to assist in meeting the demand identified on the self-build register. The current application would provide an additional self-build plot to contribute to the identified demand. However, the provision of a self-build dwelling is not an overriding consideration and should be considered in the planning balance.

Community Infrastructure Levy (CIL)

- 8.59** The development is CIL liable because it creates new dwelling(s), however, it is noted that the applicant is claiming self-build exemption. The relevant CIL forms have been submitted.

9. Conclusion

- 9.1** In light of the above, it is considered that the proposed development conflicts with the policies of the Joint Core Strategy, Tewkesbury Borough Local Plan and the NPPF. The Council can currently demonstrate a five-year supply of housing. The planning balance in this case is a balance of benefits against harm. In accordance with Section 38(6) of the of the Planning and Compulsory Purchase Act 2004, and section 70(2) of The Town and Country Planning Act 1990, the applications must be determined in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'.

Benefits

- 9.2** It is agreed that the provision of one dwelling would result in some, albeit limited, economic and social benefits.
- 9.3** The applicant states that the new dwelling will have solar panels and an air source heat pump.
- 9.4** The applicant has stated this is a self-build property.

Harms

- 9.5** The site is located outside of any recognised settlement boundary and does not represent infilling within the existing built-up area of a village or very small scale development at a rural settlement. The proposal is therefore contrary to policies SP2 and SD10 of the JCS and policies RES3 and RES4 of the TBLP, and unacceptable in principle.
- 9.6** The proposed development would represent an inappropriate form of development in the Green Belt, which is harmful by definition, and would compromise its open character, appearance and function. There are also not considered to be any Very Special Circumstances to outweigh the identified harm. Therefore, the scheme is contrary to the provisions of the NPPF, policy SD5 of the JCS and policies RES3, RES4 and GRB4 of the TBLP.
- 9.7** The proposed dwelling, by reason of its size, scale, appearance, represents a substantial new dwelling in the rural area which would be harmful to the openness of the Green Belt, and local landscape character. As such the proposed development would be contrary to the provisions of the NPPF, and JCS policies SD5 and SD6, and Local Plan Policies GRB4 and LAN2.
- 9.8** The modern dwelling is not considered to be in-keeping with the character and appearance of neighbouring dwellings, which are two-storey and traditionally designed. The scheme is contrary to policy SD4 of the JCS and policy RES5 of the TBLP.

- 9.9** The development is not sited in a sustainable location by virtue of a lack of provision of a choice of transport modes for future occupiers which cannot be mitigated. The scheme is contrary to Policy INF1 of the JCS and would conflict with the sustainable transport aims of the NPPF.

Neutral

- 9.10** It is noted that there are also no issues regarding ecology, residential amenity, highways and energy efficiency.

Conclusion

- 9.11** It is concluded that the planning balance falls against the proposal. The proposal would be contrary to the provisions of the development plan taken as a whole and is not supported by the Framework. It is agreed that the provision of one dwelling would result in some economic and social benefit, and utilising renewable energy is recognised.
- 9.11** Whilst the benefits explained above hold some weight, they are not considered to outweigh the adopted policies in the Joint Core Strategy and the Local Plan. Therefore, there are no material considerations which indicate that the determination of the application should be other than in accordance with the development plan.

10. Recommendation

- 10.1** It is recommended that the application should be **Refused** for the following reasons set out below.

11. Refusal Reasons

- 1** The proposed development conflicts with Policies SP2 and SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) and Policies RES3 and RES4 of the Tewkesbury Borough Local Plan 2011-2031 (2022) in that the proposed development does not meet the strategy for the distribution of new development in Tewkesbury Borough and the application site is not an appropriate location for new residential development.
- 2** The proposed development would represent an inappropriate form of development in the Green Belt, which is harmful by definition, and would compromise its open character, appearance and function. There are not considered to be any Very Special Circumstances to outweigh the identified harm. Therefore, the scheme is contrary to the provisions of the NPPF, Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017) and Policies RES3, RES4 and GRB4 of the Tewkesbury Borough Local Plan 2011-2031 (2022).
- 3** The proposed dwelling, by reason of its size, scale and appearance, represents a substantial new dwelling in the rural area which would be harmful to the openness of the Green Belt and local landscape character. As such the proposed development would be contrary to the provisions of the NPPF, Policies SD5 and SD6 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017) and Policies GRB4 and LAN2 of the Tewkesbury Borough Local Plan 2011-2031 (2022).

- 4 The modern dwelling is not considered to be in-keeping with the character and appearance of neighbouring dwellings, which are generally two-storey and traditionally designed. The scheme is therefore contrary to Policies SD4 and SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017) and Policy RES5 of the Tewkesbury Borough Local Plan 2011-2031 (2022).
- 5 The location of the proposed development results in no realistic transport choices other than the private vehicle to gain access to the site and to access local and community facilities. The scheme is therefore contrary to Policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017) and would conflict with the sustainable transport aims of the NPPF.

12. 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.