

Planning Committee

Date	23 April 2024
Case Officer	Jonny Martin
Application No.	24/00129/PIP
Site Location	Land Off Bozard Land, Tredington
Proposal	Permission in Principle application for the erection of between one and seven dwellings, including 40% affordable housing on site.
Ward	Severn Vale North
Parish	Stoke Orchard and Tredington
Appendices	- Site Location Plan 001 - Concept Masterplan C_02
Reason for Referral to Committee	At the request of the Monitoring Officer
Recommendation	Refuse

Site Location



1. The Proposal

Full application details are available to view online at:

<http://publicaccess.tewkesbury.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=REJZ8KQDKU200>

- 1.1 The application seeks Permission in Principle (PIP) for the erection of between 1no. and 7no. dwellings, including affordable housing.

2. Site Description

- 2.1 The application site is a rectangular field of approximately 2 hectares, situated to the rear of the churchyard of St John the Baptist Church. The site is also adjacent to Bozard Lane which leaves the village of Tredington to the north east. St John the Baptist Church is Grade 1 listed, and there are several Grade 2 listed headstones and monuments nearby, including a Scheduled 14th Century stone cross.
- 2.2 The application site is bounded by public footpaths, though development (indicative) as proposed would not obstruct their use.
- 2.3 Although at an 'in-principle' stage, a concept masterplan does accompany the application. This shows how the proposed dwellings would be clustered around a central access point and would provide a buffer between the proposed developable area and the adjacent Church Yard.
- 2.4 The site is shown on the Environment Agency Flood Map for Planning to be located within Flood Zone 1, an area at lowest risk of flooding. There are no other heritage or landscape designations affecting the site.

3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
22/00791/PIP	Planning in principle for the erection of between 1 and 9 dwellings.	REF	20.01.2023

4. Consultation Responses

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

Stoke Orchard and Tredington Parish Council – Objection based on the following:

- The reasons for refusal for 22/00791/PIP still stand;
- The development would cause harm to the villages linear structure;
- Impact on the views to the Grade 1 Listed Building;

Conservation Officer – Objection – The significance of the church lies in its age, historic fabric, features and community value. It is a country church serving a local settlement within a rural setting. The development of the adjacent land would enclose the church from its historic connection with the open countryside and dilute a strong aspect of its setting. Even if mitigation in terms of planting is offered it is likely that a sense of enclosure and separation

from the rural landscape would be perceivable and detrimental.

The full potential impact of the proposal would not be known until details of design and layout are applied for however, it is considered that the proposal in principle would cause a moderate degree of less than substantial harm to the significance and setting of the Grade I Listed church. As such the proposal would be contrary to national and local heritage policy. The application should be refused.

Historic England – Objection – Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 205 and 206 of the NPPF. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Ecologist – A Preliminary Ecological Appraisal (PEA) would be required at Technical Details stage and should demonstrate Biodiversity Net Gain.

Affordable Housing – A minimum Affordable Housing contribution of 40% would be required. For a scheme of 7 this would be 3 units on site. The preferred tenures would be 2 Social Rent and 1 Shared Ownership. Should there be no interest from Registered Social Landlords then the Council would accept three Discount Market Sale units as an alternative, to be sold at 75% of market value with that condition held in perpetuity.

Highways – No objection but concerns have been raised about the lack of a footway connection to the main village. Therefore the site suitability would depend on the provision of safe and suitable footway connection from the site to the bus stops which is unclear from the initial detail. I note the application is only in principle therefore would query if the technical details stage can consider this as a link between the site and the nearest bus stops.

National Highways - The development does not share a boundary with the SRN and any traffic impact should be negligible therefore, National Highways has no objections.

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 The application has been publicised through the posting of a site notice for a period of 21 days and has also been publicised through the posting of neighbour notifications. A total of 20 objection letters have been received and a total of 6 letters of support have been received.

5.2 The objection comments are summarised as follows:

- Impact on highway safety;
- At odds with the linear village;
- Unsustainable location;
- Flooding impacts;

- Development outside the village boundary;
- Loss of historic ridge and furrow land;
- Damage to the landscape;
- Duty to protect ancient buildings;
- Lack of amenities and public transport links;
- The Tredington and Stoke Orchard Parochial Church Council has objected to the scheme.

5.3 The comments and concerns raised by the neighbours will be addressed throughout the officer report.

5.4 The support comments are summarised as follows:

- Contribute to local school capacity;
- The proposal would be very welcome and in stark contrast to the ever expanding industrial scale farms that dominate the village;
- Good location for family dwellings;
- Affordable housing will keep our villages alive and vibrant;
- Benefits to the school shop and public transport link.

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

- SP1 (The Need for New Development)
- SP2 (Distribution of New Development)
- SD3 (Sustainable Design and Construction)
- SD4 (Design Requirements)
- SD5 (Green Belt)
- SD6 (Landscape)
- SD7 (AONB)
- SD9 (Biodiversity)
- 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

- RES2 (Settlement Boundaries)
- RES3 (New Housing Outside Settlement Boundaries)
- RES5 (New Housing Development)
- RES13 (Housing Mix)
- GRB4 (Green Belt)
- DES1 (Housing Space Standards)
- LAN2 (Landscape Character)
- NAT1 (Biodiversity)
- ENV2 (Flood Risk and Water Management)
- TRAC9 (Parking Provision)

6.5 Neighbourhood Plan

- None.

7. Policy Context

7.1 This application is for a Permission in Principle (PIP), as provided for in the Town and Country Planning (Permission in Principle) Order 2017.

7.2 The PPG advises that this is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle from the technical detail. This consent route has two stages, the first stage establishes whether a site is suitable in principle, and the second stage, the technical details consent, is where the detailed development proposals are assessed.

7.3 The current application is the first stage of the process and seeks solely to establish whether the site is suitable in principle for the provision of between 1 and 7 dwellings.

7.4 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. The site layout, design, access, landscaping, drainage and any other relevant technical matters would be considered at the 'technical details' stage.

8. Evaluation

Five Year Housing Supply

8.1 The NPPF requires local planning authorities to demonstrate an up-to-date five year supply of deliverable housing sites (or a four year supply if applicable). Where local authorities cannot demonstrate a five year supply of deliverable housing sites, paragraph 11 of the NPPF sets out that housing policies contained within development plans should not be considered up-to-date.

8.2 Further to the recent Trumans Farm, Gotherington Appeal decision (ref. 22/00650/FUL), and subsequently published Tewkesbury Borough Five Year Housing Land Supply Statement October 2023, the Council's position is that it cannot at this time demonstrate a five year supply of deliverable housing land. The published position is that the Council's five year supply of deliverable housing sites is 3.4 years supply of housing land. Officers consider this shortfall is significant. The Council's policies for the provision of housing are therefore out of date in accordance with footnote 8 of the NPPF.

8.3 Paragraph 11(d) of the NPPF therefore applies and states that where policies which are most important for determining the application are out of date, permission should be granted unless: 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

Location - Principle of development

8.4 Policy SP1 (The Need for New Development) of the JCS states that provision will be made for 35,175 new homes, within existing urban areas through District Plans, existing commitments, urban extensions, and strategic allocations. Policy SP2 (Distribution of New Development) amongst other requirements, states that dwellings will be provided through existing commitments, development at Tewkesbury town, in line with its role as a market town, smaller scale development meeting local needs at Rural Service Centres and Service Villages. Tredington is in the remainder of the rural area, where Policy SD10 (Residential Development) will apply for proposals for new residential development.

8.5 Policy SD10 of the JCS states that new housing will be planned in order to deliver the scale and distribution of development set out in Policies SP1 and SP2. Para 4. of SD10 is relevant to this application where, since being in a rural area, housing development on other sites will only be permitted where:

- It is for affordable housing on a rural exception site in accordance with Policy SD12, or;
- It is infilling within the existing built up areas of the City of Gloucester, the Principal Urban Area of Cheltenham or Tewkesbury Borough's towns and villages except where otherwise restricted by policies within District plans, or;
- It is brought forward through Community Right to Build Orders, or;
- There are other specific exceptions / circumstances defined in district or neighbourhood.

8.6 In terms of JCS requirements, the proposed development does not meet any of the exception criteria of SD10 and is therefore contrary to the requirements of SP1 and SP2.

8.7 Policy RES1 (Housing Allocations) of the adopted TBP sets out allocated sites for residential (and mixed use) development. The application site is not allocated for residential development and is therefore contrary to Policy RES1.

8.8 Policy RES2 of the TBP states that within the defined settlement boundaries of the Tewkesbury Town Area, the Rural Service Centres, the Service Villages and the Urban Fringe Settlements (which are shown on the policies map) the principle of residential development is acceptable subject to the application of all other policies in the Local Plan.

8.9 Tredington does not have a settlement boundary therefore the development is contrary to the provisions of Policy RES2. Tredington does not fall within the settlement hierarchy of the adopted TBP and is neither a market town, rural service centre or service village. For the purposes of the TBP, Tredington is a rural settlement, where Policy RES3 (New Housing Outside Settlement Boundaries) and Policy RES4 (New Housing at other Rural settlements) are relevant.

8.10 The proposed indicative development does not fall within any of its exceptions and is therefore contrary to Policy RES3.

8.11 Policy RES4 states that only very small scale residential development will be acceptable in principle, within and adjacent to the built up area. There are further limitations, namely:

- 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.”*

8.12 The development proposes between 1-7 dwellings. At the lower end of this range, (subject to other criteria which also apply) development may be considered small in scale. Relative to Tredington, 7 dwellings would not be considered small in scale.

8.13 The application site is located to the north of the linear built-up area of Tredington, where either 1 or 7 dwellings if permitted could be positioned. However, the site is separated from the core of the village by the church which provides a transition to the open countryside within which the application site is most closely related. Therefore, officers are of the opinion that the site is not located within and adjacent to the built up area of Tredington.

8.14 Several representations have been submitted which describe the linear pattern of existing development as a desirable character of Tredington. From Apple Tree Cottage at the south end of Tredington, to the existing development centred on St Johns Court (immediately north west of the Church), the settlement has a well-defined boundary where it borders agricultural land. The characteristic of this part of Tredington reinforces the linear pattern of development overall. Regardless of the scale of development, any additional housing outside of the existing pattern, would not complement the form of the settlement and would not relate to existing buildings within the settlement, contrary to limitation (c) of Policy RES4. Further, development of any scale would not enhance the sustainable pattern of development in Tredington, contrary to Policy RES4 limitation (a).

8.15 For the above reasons, the proposed development is also considered contrary to Policy SD4 (Design Requirements) of the adopted JCS where it seeks to respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form.

Location – Heritage Impact

8.16 Chapter 16 of the NPPF seeks to conserve the historic environment in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

- 8.17** Further, when determining planning applications this authority has a duty under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have regard to the desirability of preserving listed buildings, their features of special architectural or historic interest and their setting.
- 8.18** Paragraph 200 of the NPPF requires an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.
- 8.19** Paragraph 205 of the NPPF explains that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Substantial harm to Grade 1 listed buildings should be wholly exceptional.
- 8.20** The Church of St John the Baptist is Grade I Listed and dates from the 12th Century and was partially rebuilt in the 13th century. Externally it features an early tympanum above the North Door and a fine and unusual timber framed bell tower rebuilt in 1883. The associated churchyard contains several Grade II listed headstones and monuments, including a Scheduled 14th Century cross. The church sits in a churchyard adjacent to the proposal site. The church currently overlooks open countryside to the East and there is the remains of a processional avenue leading south towards the proposal site lined with box and yew trees.
- 8.21** The significance of the church lies in its age, historic fabric, features and community value. It is a country church serving a local settlement within a rural setting. The development of the adjacent land would enclose the church from its historic connection with the open countryside and dilute a strong aspect of its setting. Even if mitigation in terms of planting is offered it is likely that a sense of enclosure and separation from the rural landscape would be perceivable and detrimental.
- 8.22** A Permission in Principle (PIP) application was refused by the Council under 22/00791/PIP at this site for one of the following reasons:

"The proposed development of between 1 and 9 dwellings would cause unacceptable and unjustified harm to the historic significance and setting of the Grade 1 listed Church of St John the Baptist, contrary to the NPPF, Policies SD4 and SD8 of the adopted Joint Core Strategy (2011-2031), and Policy HER2 of the adopted Tewkesbury Borough Plan (2011-2031). There are no other material considerations of sufficient weight in favour of development."

(Emphasis Added)

- 8.23** The new proposal has reduced the total number of dwellings from 9 to 7 at the maximum end of the PIP. Furthermore, the applicant has submitted a Historic Environment Assessment (HEA) prepared by Heritage Archaeology (February 2024). This report has been reviewed and assessed by the Council's Conservation Officer and by Historic England.
- 8.24** The Council's Conservation officer considers the proposal in principle to cause a moderate degree of less than substantial harm to the significance and setting of the Grade I Listed church. As such the proposal would be contrary to national and local heritage policy and should be refused.

8.25 Paragraph 205 states that in considering the impact of proposed development on significance, great weight should be given to the asset's conservation and that the more important the asset the greater the weight should be. Church of St John the Baptist is Grade I, and as such is in the top 2% of listed buildings and is considered to be a heritage asset of the highest significance. Paragraph 206 goes on to say that clear and convincing justification is needed if there is loss or harm.

8.26 Historic England agrees with the conclusions of the HEA in that the principle of developing the site with residential dwellings would result in less than substantial harm to the heritage significance of the Grade I Church, and that a mitigated scheme is likely to result in at most at the lower end of that scale of effects. While considering the mitigation measures highlighted on the masterplan, and in the absence of detailed information, officers would conclude and concur with the submitted HEA, that the principle would result in a degree of harm, albeit less than substantial, under the definition of the NPPF.

8.27 Given both Historic England and the Conservation Officer consider the proposal will lead to a less than substantial harm, the proposal needs to be weighed against the public benefits as set out by paragraph 208 of the NPPF.

Public Benefits

8.28 Paragraph 208 of the NPPF 2023 states:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

8.29 Based on the information submitted with this application, the applicant believes the proposal would provide the following public benefits:

1. The delivery of housing and contribution to the Councils shortage in relation to a 5 Year Housing Land Supply.
2. The provision of 40% affordable housing which would equate to 3 units if the development provided 7 units.
3. The provision of 10% Biodiversity Net Gain (BNG).

8.30 The Council have reviewed the public benefits put forward by the applicant and consider that they do not outweigh the less than substantial harm to the significance of the heritage asset. Taking each benefit in turn:

1. The application seeks permission in principle for the erection of between 1 – 7 dwellings. As such the applicant could proceed with 1 dwelling or the maximum of 7. Taking the maximum provision of 7 dwellings, the Council give this benefit limited weight as the provision of 7 dwellings would not provide a significant contribution towards the shortage of houses.
2. The provision of 40% affordable housing is a policy requirement. It is recognised that there is a Borough wide need for affordable housing and therefore the proposed development would contribute to this need.
3. The provision of 10% BNG is a requirement for all small sites from 2nd April 2024. However, this application is a PIP and no details have been provided regarding this element as it would be agreed via the technical details stage. As such, in the absence of any information, the Council cannot give this perceived benefit any weight as there is no guarantee that 10% BNG can be achieved on site.

- 8.31** While appreciating there are some public benefits to the scheme in relation to the provision of market and affordable housing, the Council do not consider these public benefits to outweigh the less than substantial harm to the significance of the heritage asset. As discussed above, the neighbouring property is a Grade 1 Listed Building and as such is in the top 2% of listed buildings and is considered to be a heritage asset of the highest significance.

Location – Conclusion

- 8.32** As set out above, the proposed development would result in the creation of housing outside of the existing pattern, would not complement the form of the settlement and would not relate to existing buildings within the settlement, contrary to limitation (c) of Policy RES4. Further, development of any scale would not enhance the sustainable pattern of development in Tredington, contrary to Policy RES4 limitation (a).
- 8.33** The proposed development of between 1 and 7 dwellings conflicts with the Council's settlement strategy and does not meet any of the Council's exceptions to the presumption against new housing development in rural areas. The proposed development is therefore contrary to the NPPF, Policies SP1, SP2 and SD10 of the adopted Joint Core Strategy (2011-2031), and Policies RES1, RES2, RES3 and RES4 of the adopted Tewkesbury Borough Plan (2011-2031).
- 8.34** In relation to Heritage, the proposal will lead to a less than substantial harm and the public benefits of the scheme do not outweigh the harm to the to the significance of the heritage asset.
- 8.35** The proposed development of between 1 and 7 dwellings would cause unacceptable and unjustified harm to the historic significance and setting of the Grade 1 listed Church of St John the Baptist, contrary to the NPPF, Policies SD4 and SD8 of the adopted Joint Core Strategy (2011-2031), and Policy HER2 of the adopted Tewkesbury Borough Plan (2011-2031). There are no other material considerations of sufficient weight in favour of development.

Land Use

- 8.36** The guidance sets out that housing led development is an accepted land use for the PIP application process.
- 8.37** While residential use is acceptable for the PIP process, the proposal is in conflict with JCS Policies SD4 and SD10 and Policies RES1, RES2, RES3 and RES5 of the adopted Tewkesbury Borough Plan.

Amount

- 8.38** JCS Policy SD4 provides that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting.

- 8.39** 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.
- 8.40** The application proposes between 1 and 7 dwellings to be accommodated on site. Notwithstanding the comments above and its conflict with the development plan, it is considered that the plot is of a sufficient size to accommodate between 1 and 7 dwellings.

Affordable Housing

- 8.41** Paragraph 8 of the NPPF states that the planning system needs to perform a number of roles, including a social role in supporting strong, vibrant and healthy communities, by providing a supply of housing required to meet the needs of present and future generations.
- 8.42** Policy SD12 of the JCS and Policy RES12 of the TBLP requires 40% of the proposed houses to be secured as affordable housing given this site is within a rural area and could provide 6 or 7 units. Policy SD12 of the JCS requires affordable housing to be provided on site and to be seamlessly integrated and distributed throughout the development scheme.
- 8.43** The applicant is proposing to provide 40% AH for this application. The Council's Affordable Housing Officer has reviewed the proposal and a provision of 3 on site AH units would be required if 7 units were to be provided. The preferred tenures would be 2 Social Rent and 1 Shared Ownership. Should there be no interest from Registered Social Landlords then the Council would accept three Discount Market Sale units as an alternative, to be sold at 75% of market value with that condition held in perpetuity.
- 8.44** However, these details cannot be secured at the PIP stage given the PIP only grants a range of units, 1-7. Therefore, the affordable housing provision would be secured at the Technical Details stage if permission in principle was granted for this application.

9. Conclusion

- 9.1** Section 38(6) of the Town and Country Planning Act 1990 provides that, if regard is to be had to the development plan, the determination must be made in accordance with the development plan unless other material circumstances indicate otherwise. Section 70(2) of the Act 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.
- 9.2** The application site is not allocated for housing development and does not fall within a defined settlement boundary as required by Policy RES 2 of the TBP. Regardless of the scale of development, any additional housing outside of the existing pattern, would not complement the form of the settlement and would not relate to existing buildings within the settlement, contrary to limitation (c) of Policy RES4. Further, development of any scale would not enhance the sustainable pattern of development in Tredington, contrary to Policy RES4 limitation (a).
- 9.3** Furthermore, the Council cannot at this time demonstrate a five-year supply of deliverable housing sites, having a significant shortfall at 3.24 years of deliverable supply, the most important policies for determining the application are deemed to be out of date and less weight can be given to them. Paragraph 11(d) of the NPPF therefore applies.

- 9.4 Paragraph 11 of the NPPF, the presumption in favour of sustainable development indicates that permission should be granted unless policies for protecting areas or assets of particular importance in the NPPF provide a clear reason for refusing the development proposed, or any adverse impacts of permitting the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.
- 9.5 Footnote 7 of the NPPF confirms that policies in the Framework that protect areas or assets of particular importance includes designated heritage assets.

Heritage Asset

- 9.6 The proposed development has been reviewed by Historic England and the Conservation Officer with both parties considering the proposal would lead to a less than substantial harm and as such the proposal needs to be weighed against the public benefits as set out by paragraph 208 of the NPPF.
- 9.7 While appreciating there are some public benefits to the scheme in relation to the provision of market and affordable housing, the Council do not consider these public benefits to outweigh the less than substantial harm to the significance of the heritage asset. As discussed above, the neighbouring property is a Grade 1 Listed Building and as such is in the top 2% of listed buildings and is considered to be a heritage asset of the highest significance.
- 9.8 In light of this, there is a clear reason to refuse the application in accordance with paragraph 11di and footnote 7 of the NPPF. The tilted balance is **therefore not engaged**.

Benefits

- 9.9 The public benefits of the proposal relate to, amongst others, the delivery of 1-7 dwelling houses, provision of affordable housing, new construction jobs, increased economically active population, and the associated social and economic benefits through construction and tree planting through the soft landscaping proposals.
- 9.10 Given that these benefits are directly related to the development, to make the proposal acceptable in planning terms, officers afford these benefits limited weight.

Harms

- 9.11 The proposed development of between 1 and 7 dwellings conflicts with the Council's settlement strategy and does not meet any of the Council's exceptions to the presumption against new housing development in rural areas. The proposed development is therefore contrary to the NPPF, Policies SP1, SP2 and SD10 of the adopted Joint Core Strategy (2011-2031), and Policies RES1, RES2, RES3 and RES4 of the adopted Tewkesbury Borough Plan (2011-2031).
- 9.12 The proposed development of between 1 and 7 dwellings would cause unacceptable and unjustified harm to the historic significance and setting of the Grade 1 listed Church of St John the Baptist, contrary to the NPPF, Policies SD4 and SD8 of the adopted Joint Core Strategy (2011-2031), and Policy HER2 of the adopted Tewkesbury Borough Plan (2011-2031). There are no other material considerations of sufficient weight in favour of development.

Neutral

- 9.13** This application is a PIP and therefore no other material planning considerations have been assessed bar the suitability of the site for the principle of 1-7 dwellings.

Overall Conclusion

- 9.14** As the Council cannot demonstrate a 5-year housing land supply as such the approach to decision making, the 'tilted balance' set out in paragraph 11 of the Framework would be engaged as a starting point. However, this is a case where the policies of the Framework relating to the setting of a designated heritage asset provide clear reasons for refusing the proposal. It would therefore follow that paragraph 11 of the Framework would not weigh in favour of the proposal.
- 9.15** Having regard to paragraph 11(d)(i) of the NPPF and having applied the policies in the NPPF that protect areas or assets of particular importance, there is a clear reason for refusing the development. The 'tilted balance' is not therefore engaged.
- 9.16** For the above reasons, the proposal would not accord with the development plan when considered as a whole and, having regard to all material considerations including the NPPF, there are clear reasons for refusing the development proposed, and as such it would not constitute sustainable development and is therefore recommended for refusal.

10. Recommendation

- 10.1** It is recommended that the application be **REFUSED**.

11. Reasons for Refusal

- 1** The proposed development of between 1 and 7 dwellings conflicts with the Council's settlement strategy and does not meet any of the Council's exceptions to the presumption against new housing development in rural areas. The proposed development is therefore contrary to the NPPF, Policies SP1, SP2 and SD10 of the adopted Joint Core Strategy (2011-2031), and Policies RES1, RES2, RES3 and RES4 of the adopted Tewkesbury Borough Plan (2011-2031).
- 2** The proposed development of between 1 and 7 dwellings would cause unacceptable and unjustified harm to the historic significance and setting of the Grade 1 listed Church of St John the Baptist, contrary to the NPPF, Policies SD4 and SD8 of the adopted Joint Core Strategy (2011-2031), and Policy HER2 of the adopted Tewkesbury Borough Plan (2011-2031). There are no other material considerations of sufficient weight in favour of development.

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 the 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.

2 For avoidance of doubt the submitted Concept Masterplan has been treated as being for illustrative purposes only