

Summary

1. Dismissed Appeal APP/G1630/A/14/2222147: **Alderton, Tewkesbury**

Key points of rejection: Substantially increasing the number of residences in a settlement without proportionate increases in the provision of local shops, infrastructure, employment opportunities and other local services risks eroding community cohesion. In the context of the NPPF taken as a whole, the adverse impacts of the proposed development significantly and demonstrably outweigh the benefits of the scheme. Accordingly, the proposal would not represent sustainable development for which a presumption in favour should apply.

In East Hoathly: For this planning application there will be:

- A negative impact on character and appearance of a rural village
- No permanent employment created by scheme
- An adverse consequences for the social and cultural wellbeing of existing residents

In East Hoathly there was an increase of 75 homes in 2009, i.e. 25% growth in the core village with no new amenities. An additional 205 homes is proposed, i.e. 97% growth with no proposal for new amenities. In common with Alderton, in the absence of a 5 year land supply and adjacent to, but not in an AONB site, our village is also faced with substantial expansion. This aligns East Hoathly with the case of Alderton.

Contravention of the NPPF sec 1 para 17: This plan is of a scale and nature on a green-field site in the open countryside, which would result in the loss of best and most versatile agricultural and stud land. The development would cause harm by the significant adverse visual and landscape character impact on the area of the development site and the surrounding valued landscape.

2. Dismissed Appeal 2016APP/C1435/W/16/3155584: **Heathfield, East Sussex**

Key point of rejection: The Council has therefore adopted a precautionary approach and all planning applications within 15km of the SPA and SAC are subject to the Habitats Regulations.... In environmental terms, it is necessary for me to exercise a precautionary approach to the nature conservation interests of Ashdown Forest, which is a protected area under European Legislation.

In East Hoathly: Healthy walks in the Ashdown Forest are advertised in the village and on the Facebook Page since the Forest is less than 15km away. Principle employment centres require a large proportion of commuting traffic from the village to pass through the Ashdown Forest. Development of the scale proposed will be severely detrimental to the efforts of reducing harmful pollutants in this area of special scientific interest.

Contravention of the NPPF sec 4 para 38: In the plan there is no provision for acceptable levels of education, community facilities, environmental standards (e.g. SANGS) and necessary infrastructure either through on or off site provision or financial contribution.

3. Dismissed Appeal APP/F1230/W/16/3145484 **Yetminster , Dorset**

Key point of rejection: It would fail to achieve a high quality sustainable design that would reflect local character and distinctiveness; since there is no increase in long-term employment it will lead to an increased reliance on the use of cars and hence pollution; it will result in significant harm to the character and appearance of the landscape; a traffic increase poses a real safety hazard.

In East Hoathly: For this planning application:

- The existing imbalance between jobs and homes within the village will be exacerbated.
- The commensurate increase in car use and hence pollution will not satisfy the environmental dimension of sustainability.
- The meagre village amenities including parking will be overwhelmed by such a disproportionate population increase.
- There is a major safety issue now on the 90° bend where the few village shops are located.
- The appeal is dismissed even though Yetminster has a train and bus service and the housing growth would be about 20%. Whereas, East Hoathly has only a poor bus service, no cycle-ways and the housing growth since 2009 would be 97% with no proposal for new amenities.

The key rejection aligns East Hoathly with the case of Yetminster.

Contravention of the NPPF sec 4 para 37: The development does not seek to provide any dedicated employment land and as such, makes little contribution to the job needs of the village population or the wider area exacerbating problems of out-commuting. The absence of any employment land in the mix of uses would not help to secure economic growth and weighs against the sustainability credentials of the scheme.

Contravention of the NPPF sec 4: It is not considered that the development could take place without having a severe impact on the existing highway network and it has not been proven that it will promote sustainable transport or conform to the strategic objectives to reduce congestion, inconvenience and hazards on the local highway network.

Extracts from The Appeals

1. Dismissed Appeal APP/G1630/A/14/2222147

Land east of St Margarets Drive, Alderton, Tewkesbury

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Freeman Homes against the decision of Tewkesbury Borough Council.
- The application Ref 13/00734/OUT, dated 6 August 2013, was refused by notice dated 29 April 2014.
- The development proposed is an outline application for the erection of up to 60 no. dwellings (net increase of 59 dwellings) and associated parking; vehicular access from St Margarets Drive; provision of open space; the construction of highways through the site and associated engineering works, including the creation of an attenuation pond. The proposals include the demolition of an existing dwelling (16 St Margarets Drive).

23. Alderton itself would retain the character and appearance of a rural village nestled within an open, agricultural landscape. The development would not, therefore, detract significantly from the quiet enjoyment of walkers using the public rights of way when viewed from longer distances away from the site. However, from closer public viewpoints, such as from points on the Winchcombe Way on the edge of the village or when approaching the site from the south and south east, the proposed development would change the overall experience for those walking through the countryside due to the loss of open pasture and the introduction of built development. I consider that this would cause significant harm.

30. No permanent employment would be provided through the scheme although it would provide jobs on the site through the construction phase and perhaps assist in the viability of a few local jobs in the area in the longer term. However, community cohesion goes beyond this in a small rural settlement. Also of significance is the capacity for the settlement and the community to accept the impacts that a rate of change for the construction of 107 houses would have over a relatively short period of time in a settlement of only 265 dwellings. Alderton has grown organically and slowly over a long period of time and its physical character would change as a result of the major development that would arise from the Beckford Road scheme and the appeal proposals which, together, would represent a 39% increase in the number of dwellings. Alderton would appear more suburbanised and less of a rural settlement and it would be adversely affected as a consequence.

33. Apart from the physical changes that would occur, I recognise that a sizeable expansion of the village could take the community some time to adapt to and there could be adverse consequences for the social and cultural wellbeing of existing residents, as recognised in an appeal in Devon¹¹. I recognise that, as in other cases elsewhere, there is a danger that potential adverse impacts of new housing on an existing community is a consideration that needs to be weighed in the overall planning balance. This goes beyond a community's natural resistance to change. Indeed, the APC has indicated that a number of residents would sell up and leave the village because Alderton would no longer be a quiet rural village.

34. The appellant referred to an appeal decision at Stoke Orchard¹² where the impact of further housing development on social cohesion in the village was not considered to be materially affected. However, I do not consider that the Alderton proposals are comparable to the situation in Stoke Orchard as that village has recently experienced substantial expansion arising from a brownfield site redevelopment.

35. I conclude on this issue that the proposed development would have a disproportionate effect on the village in terms of the cumulative impact of development and also on the social wellbeing of the community, which I consider would be harmful.

The planning balance and conclusion

51. I have found that in the absence of a five year supply of deliverable housing land, the Framework gives support for the scheme to which I attach significant weight. However, against this must be balanced the harm that the development would cause.

52. I have found harm in terms of the effects of the proposed development on the character and appearance of the area as it would lead to the extension of the built-up part of the settlement into the adjoining countryside and affect the setting of the AONB. This would conflict with the aims of Policy LND2 of the Local Plan and the Framework. This is an adverse impact to which I attach considerable weight.

53. I also found that that the proposed development would have a disproportionate effect on the village in terms of the cumulative impact of development and also on the social wellbeing of the community. I attach significant weight to the harm that would arise.

54. The totality of the harm I have identified is not clearly outweighed by the social or economic benefits of the development, including the supply of new housing, both market and affordable.

55. In the context of the Framework taken as a whole, the adverse impacts of the proposed development significantly and demonstrably outweigh the benefits of the scheme. Accordingly, the proposal would not represent sustainable development for which a presumption in favour should apply.

56. For the reasons given above and having had regard to all matters that have been raised, including all the decisions elsewhere referred to by the parties, I conclude that the appeal should be dismissed.

2. Dismissed Appeal 2016APP/C1435/W/16/3155584

58, High St Heathfield TN21 8JB Conversion of first floor to five one and two bedroom flats

16. Policy WCS12 of the Core Strategy advised that any net increase in residential development between 400m and 7km would be required to mitigate its recreational impact on the Forest. However, this approach was challenged and, as a consequence of a Court of Appeal judgment, reference to the 7km zone of influence and the specific mitigation identified in the policy has now been removed. The Council has therefore adopted a precautionary approach and all planning applications within 15km of the SPA and SAC are subject to the Habitats Regulations.

17. The appeal site is located in Sector 2; i.e. between 7-15km from the SPA and SAC. Having regard to the visitor survey, the Council considered that there would be a likelihood that the proposed dwellings would result in additional visits to the Forest. It went on to conclude that the overall visits could be accommodated through an approach that requires contributions to the Strategic Access Management and Monitoring Strategy (SAMMS)

24. In environmental terms, it is necessary for me to exercise a precautionary approach to the nature conservation interests of Ashdown Forest, which is a protected area under European Legislation. From the evidence presented, and in the absence of a suitable mechanism to secure the identified mitigation measures, I cannot be certain that the proposal would not adversely affect the integrity of the SPA and SAC. This environmental harm is a matter to which I attach significant weight. Appeal Decision APP/C1435/W/16/3155584

**3. Dismissed Appeal APP/F1230/W/16/3145484
Land Off Ryme Road, Yetminster DT9 6LB**

88..... Within rural areas development is directed to the settlements with Defined Development Boundaries (DDB) where development at an appropriate scale to the size of the settlement is acceptable. Policy SUS2 further states that outside of the DDB development will be strictly controlled, having particular regard to the need for the protection of the countryside and environmental constraints.

90. Policy SUS2 seeks to direct development to the most sustainable locations in accordance with the spatial strategy and to safeguard countryside from unnecessary development. These aims are consistent with the core planning principles at paragraph 17 of the NPPF which include recognising the intrinsic character and beauty of the countryside and paragraph 37 which advises that planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities as well as. SUS2 also provides for some development within villages to maintain the vitality of rural communities. Therefore whilst policy SUS2 is out of date and cannot be afforded full weight in that the DDB limits the supply of housing, I afford significant weight to the spatial strategy within it and the extent to which it aims to safeguard countryside from unnecessary development.

98. Nevertheless, due to the number of dwellings proposed and the absence of any commensurate increase in employment the proposal would be likely to lead to an increased reliance on the use of cars to access employment and a range of shops, services and facilities which are regarded as reasonably necessary to modern life.

119. Overall it would fail to achieve a high quality sustainable design that would reflect local character and distinctiveness.

123. The proposal would result in significant harm to the character and appearance of the landscape. It would also add to the existing imbalance between jobs and homes within the village and would be likely to lead to an increased reliance on the use of cars and an increase in carbon emissions contrary to the strategic objectives of the Local Plan. It would therefore not satisfy the environmental dimension of sustainability.

124. Having regard to the extent of the housing land supply shortfall and the measures the Council is putting in place to address it, I consider that the adverse impact of granting permission that I have identified would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework when taken as a whole. Overall the proposal would not represent sustainable development.

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