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## Appeal Decision

Site visit made on 11 August 2015

**by Paul Crysell BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 2 September 2015**

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**Appeal Ref: APP/C1625/W/15/3007972**

**Land off Shakespeare Road, Dursley, Gloucestershire**

- 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 Gladedale Estates Ltd against the decision of Stroud District Council.
  - The application Ref S.14/0966/OUT, dated 22 April 2014, was refused by notice dated 19 December 2014.
  - The proposal is for the development of up to 100 dwellings including affordable housing and open space; creation of new access to Shakespeare Road and internal roads, footpaths and landscaping.
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### Decision

1. I dismiss the appeal.

### Procedural Matters

2. The proposal is in outline with all matters apart from access reserved for later determination. The Council identified the ecological impact of the development as one of two reasons for refusing the application. In response, the appellant carried out further work which the Council confirms has addressed its concerns, subject to the inclusion of relevant conditions. It has therefore withdrawn its second reason for refusal.
3. The appellant submitted a signed and dated copy of a Unilateral Undertaking which would come into effect if planning permission is granted. The Undertaking makes provision for contributions to open space and provides a mitigation and enhancement strategy in respect of Great Crested Newts. I have considered these obligations and I am satisfied they meet the statutory tests in Regulation 122 of the Community Infrastructure Levy.

### Main Issues

4. Having regard to paragraph 2 above, I consider the main issue is the effect of the proposed development on the character and appearance of the area, including the adjacent Cotswolds Area of Outstanding Natural Beauty.

## Reasons

### *Character and appearance*

5. The appeal site comprises three fields covering 4.9 hectares on the eastern boundary of Dursley. The proposal would involve the construction of up to 100 two, three and four bedroomed dwellings and would necessitate the demolition of an existing dwelling at 47a Shakespeare Road to allow access to the site.
6. Located at one end of a well-defined valley the site marks the transition between the urban edge and open countryside and is within the Cotswolds National Character Area<sup>1</sup>. The distinctive features and characteristics of this topography are dominated by the steep scarp and open upland of the wolds with smaller towns and villages found at the scarp foot, in valley bottoms and on gentler valley sides.
7. Much of the Character Area (65%) also lies within the Cotswolds Area of Outstanding Natural Beauty (AONB). The AONB abuts the southern edge of the appeal site although its western boundary is about ½ kilometre further to the east of the site. A Landscape Assessment produced by the Council identifies the area as a 'Secluded Valleys' landscape type<sup>2</sup>, a key feature of the landform being its enclosed character derived from steep sides and narrow valley form.
8. The characteristics of the valley are consistent with this description. The steeply rising land of Dursley Wood and Folly Wood to the south is a strong containing feature; the outcrops of higher land at Cam Down<sup>3</sup> and Cam Long Down to the north and Downham Hill to the north-east are prominent landmarks. These contribute to its enclosure as does the truncating effect of the Cotswold scarp edge in the vicinity of Uley at the eastern end of the valley.
9. The Council refers to saved policy NE10 of the Stroud District Local Plan<sup>4</sup> (LP) and policy ES7 of its proposed replacement, the Submission Draft Stroud District Local Plan<sup>5</sup> (draft LP). The purpose of these policies is to conserve and enhance landscape character. The former focuses on conserving different landscape types in the District while the latter is specifically aimed at protecting the AONB or land that may affect its setting.
10. Both policies are consistent with objectives in paragraph 109 of the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG). The latter says that regard is to be had for the purposes of land designated as AONB and goes on to clarify that it applies to land outside where it might have an impact on the setting of protected areas<sup>6</sup>.
11. The appeal site is well contained by strong boundaries of mature trees and hedgerows. These restrict views into it from neighbouring fields and from adjacent residential areas which are limited to glimpses between properties and higher points of land on the road network. The public footpath crossing the southern field allows internal views of the site but the hedgerow separating this field from those to the north means its full extent cannot be seen.

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<sup>1</sup> National Character Area 107 – Cotswolds, produced by Natural England

<sup>2</sup> Stroud District Landscape Assessment – Supplementary Planning Guidance, November 2000

<sup>3</sup> Also referred to as Peaked Down

<sup>4</sup> Adopted November 2005

<sup>5</sup> Submission Draft, December 2013

<sup>6</sup> PPG 8-003-20140306

12. An indicative masterplan supported by a Landscape Design Statement (LDS) shows how the scheme could be laid out retaining a significant proportion of the site (46% according to the appellant) as open space. The LDS explains that limiting development to the western section means the development envelope would not extend beyond existing housing to the north and south. The layout would reduce but not avoid the perception that houses were intruding further into the countryside. For instance, containment of the site would be less effective at its southern end where the farm buildings on the opposite side of Ganzell Lane are not representative, in my view, of urban development.
13. Ensuring buildings followed the subtle changes in site contours, as is suggested, would also help to offset the scale of the development. In conjunction with the boundary hedgerows and surrounding housing it would be difficult to appreciate the full extent of new housing from any single location. Nevertheless, views of the AONB to the south would be impeded from the parts of the public right of way while the LDS shows that in winter views into the site are possible from the public bridleway which runs along Ganzell Lane.
14. The appellant has endeavoured to show how the impact of the development can be minimised. Given its scale, I consider its impact on short and medium distance views would be modest. Even so, the scheme would reduce the contribution the site, together with the rest of the valley, makes in framing views of the lower slopes and higher outcrops of the Cotswold escarpment.
15. A comprehensive appraisal of the surrounding topography was undertaken by the appellant in the form of a Landscape and Visual Impact Assessment. This acknowledges that both close and more distant views of the site are possible but are seen in the context of the existing limits to Dursley. It therefore suggests that the negative effects of the development will diminish over time as the housing and open space provides a new structure to the urban edge.
16. I am not persuaded that the impact of the housing in the wider landscape would be as benign as is suggested. The transition between Dursley and the surrounding countryside can be readily appreciated from the outcrops of higher land that enclose the valley. The three fields are clearly visible from Downham Hill and Uley Bury and, while less discernible from Cam Down and Cam Long Down, the urban edge in the vicinity of the site is obvious. From the south the full extent of the three fields can also be seen from different points along the footpath that follows the edge of Dursley Wood and Folly Wood.
17. Despite the modest extension which is proposed, the scheme would consolidate existing development and reduce the gap between the town and the AONB. In my opinion the open character of the appeal site makes an important contribution in restricting the encroachment of the town into the countryside. The development would neither protect nor enhance an area of land whose features are characteristic of the landforms on the edge of the Cotswolds plateau and whose proximity to it contributes to the setting of the AONB.
18. I appreciate my findings do not align with those of the Cotswolds Conservation Board although I find its views are unclear. It suggests the scheme would not affect the setting of the AONB or views from outside it, but goes on to request that careful consideration is given to the proposal so that it does not impact on the setting of the AONB. This implies that it might do so despite its general conclusion. I accept that conditions, as requested by the Board, could help

mitigate the impact of the development but these would not address my concerns over the wider impact the development would have on the landscape.

19. I therefore find that in relation to the main issue, the proposal would detract from the open qualities of the landscape and reduce views to the countryside and AONB beyond the site. As a result the scheme would be contrary to saved policy NE10 of the adopted LP and emerging policy ES7 of the draft LP and objectives in both the NPPF and PPG for conserving the natural environment, including landscapes.

#### *Housing*

20. The Council recognises the proposal would accord with a key objective of the NPPF (paragraph 47) to boost housing supply and accepts that as a 'first tier settlement' Dursley is a sustainable location which is capable of accommodating further housing. The scheme would also contribute towards the Council 'substantial' affordable housing needs and provide a source of employment.
21. The main parties agree that the housing supply is not, by itself, a determining factor in this appeal. Nonetheless, the Council believes it has a five year housing land supply despite recent appeal decisions<sup>7</sup> as it has increased its targets in response to the concerns expressed by the inspector who is examining the emerging LP. Furthermore, it claims that it has made adequate provision in the Cam/Dursley area (these are treated as a single settlement for planning purposes) by allocating land for 450 dwellings to the north east of Cam and that this may be supplemented by further windfall development.

#### *The planning balance*

22. The proposal would accord with the presumption in the NPPF in favour of sustainable development. However, regard must be had to the adverse impacts of the scheme and whether they would significantly and demonstrably outweigh the benefits as referred to in paragraph 14.
23. There is insufficient evidence, in my opinion, to come to a conclusive view on the adequacy of the Council's housing land supply. However, it has responded positively to criticism during the LP examination process and increased its housing targets. In this respect, I have some reassurance that it is capable of finding sufficient land to meet the revised targets. Even if I am incorrect in coming to this conclusion, I do not know whether alternative sites may be available which would be preferable to the one before me in this appeal.
24. Consequently, having regard to my concerns regarding the main issue, I do not consider there is a compelling case for supporting the proposal because the benefits, in my view, would not outweigh the adverse impact on the setting of the AONB and the harm that would result from the development.

#### *Other matters*

25. A number of local residents, the MP, Dursley Town Council and other organisations have objected to the scheme. Their concerns focus on issues discussed above but also refer to other matters including traffic, wildlife, flood risk, pollution and the loss of agricultural land. Some of these concerns are

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<sup>7</sup> APP/C1625/A/14/2219549 & APP/C1625/A/14/2215851

address in supporting information provided by the appellant and relevant statutory undertakers have not objected, subject to the inclusion of appropriate conditions.

26. I accept the mature hedgerows and trees in and on the periphery of the site will be important refuges and food sources for a variety of wildlife and that great crested newts have been found close to its northern boundary. A number of measures have put forward, as part of a Unilateral Undertaking, to offset the effects of development. This includes a mitigation strategy to provide and maintain habitat for newts as well as options for long term maintenance of the open space.
27. Smells emanating from a small poultry farm close to the southern edge of the site were identified as a potential issue by several people. A study undertaken by the appellant found that no complaints had been received because of odour and that the levels which could be detected were unlikely to be a source of nuisance for those living close to it.
28. Having had regard to all these matters, I find that none would warrant refusing the appeal.

*Conclusion*

29. The scheme would represent sustainable development next to a higher order settlement and provide additional housing which is capable of meeting both market and affordable needs. On balance, however, I do not consider that further housing in this location would outweigh the adverse impact the development would have on the wider landscape in the vicinity of the appeal site. Together with its effect on the setting of the nearby AONB this would be contrary to relevant development plan policies and objectives in the NPPF and PPG. For the reasons given above and having regard to all other matters, I dismiss the appeal.

*P R Crysell*

INSPECTOR