



---

# Appeal Decision

Inquiry held on 6-9 June 2023

Site visit made on 28 June 2023

**by Tom Bristow BA MSc MRTPI AssocRICS**

**an Inspector appointed by the Secretary of State**

**Decision date: 11<sup>th</sup> September 2023**

---

## **Appeal Ref: APP/G1630/W/23/3314936**

### **Truman's Farm, Manor Lane, Gotherington, Gloucestershire GL52 9QX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended (the '1990 Act') against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Lioncourt Strategic Land Ltd. against Tewkesbury Borough Council ('TBC').
  - The application Ref 22/00650/FUL is dated 27 May 2022.
  - The development proposed is described on the application form as 'residential development comprising 45 dwellings, creation of new access, public open space and other associated ancillary works'.
- 

## **Decision**

1. The appeal is allowed and planning permission is granted for residential development comprising 45 dwellings, creation of new access, public open space and other associated ancillary works at Truman's Farm, Manor Lane, Gotherington, Gloucestershire GL52 9QX, subject to the conditions in the first schedule to this decision and to the obligations contained within the planning agreements under section 106 of the 1990 Act dated 23 June 2023 with Gloucestershire County Council ('GCC') and 26 June 2023 with Tewkesbury Borough Council ('TBC').

## **Preliminary matters**

2. Each proposal must be determined in accordance with the development plan unless material considerations indicate otherwise.<sup>1</sup> The development plan includes policies of the Gotherington Neighbourhood Development Plan ('GNDP'), of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 ('JCS'), and of the Tewkesbury Borough Plan ('TBP').<sup>2</sup> The function of the TBP was to fulfil a remit under, rather than to review, the JCS.
3. I have had regard to various other material considerations including the National Planning Policy Framework ('NPPF'), the Planning Practice Guidance ('PPG'), the Cotswolds National Landscape Management Plan 2023-2025 ('NLMP') related to the Cotswolds Area of Outstanding Natural Beauty ('AONB'), and the Cotswolds Conservation Board's Position Statement regarding development in the setting of the AONB ('PS'). I understand work reviewing the JCS and TBP is yet at an early stage. There is also no substantive argumentation before me in respect of its future direction.

---

<sup>1</sup> Section 38(6) of the Planning and Compulsory Purchase Act 2004 as amended.

<sup>2</sup> Made 19 September 2017, adopted 11 December 2017, and adopted 8 June 2022 respectively.

4. This proposal follows an unsuccessful appeal in 2017.<sup>3</sup> An application, initially for 49 homes, was also refused in 2021 (ref. 21/00019/FUL.). I have, however, reached a decision based on the current scheme in present circumstances.<sup>4</sup> The 2017 scheme was moreover in outline and for up to 65 dwellings.<sup>5</sup> That appeal was also determined at a juncture where there was no dispute that the Council were able to demonstrate a five year housing land supply of deliverable sites relative to needs ('5YHLS'), to which NPPF paragraphs 68 and 74 now relate. That is now in dispute.
5. A further difference between the scheme before me and that advanced via application ref. 21/00019/FUL is that a locally equipped area of play ('LEAP') is now proposed. The plans representing the current scheme are listed under section 8.0 of the statement of common ground between the appellant and TBC.<sup>6</sup> Some are amended or updated compared to those originally submitted, as are some associated documents.<sup>7</sup> That is notably the case of plan no. DLA 2016.L.06.P11, which shows the LEAP, and is reflected in the updated Landscape and Visual Assessment ('LVA').<sup>8</sup> The planning agreement with TBC also relates to the design, funding and maintenance of the LEAP. None of the foregoing documentation, however, significantly changes the nature of the development proposed. The appeal process has afforded opportunity for comment in respect of it. There is therefore no reason to discount any of the foregoing from my assessment.
6. The appeal is against the failure of TBC to reach a decision in respect of application ref. 22/00650/FUL within the relevant statutory period. Nevertheless TBC have set out at appeal that, had they been in a position to do so, they would have refused permission for 8 putative reasons. Of those reasons, 4 related to addressing the implications of the scheme via obligations were resolved via the inquiry to the satisfaction of TBC (by virtue of the planning agreements referenced above).
7. The planning agreements do not resolve the objections of Gotherington Parish Council ('GPC') or of the Manor Lane Action Group ('MLAG') to the proposal, both 'Rule 6 parties',<sup>9</sup> represented by Eddie McLarnon and Christine White respectively. Whilst there is significant overlap between the position of TBC in respect of the development proposed and that of the Rule 6 parties, there are inevitably differences of perspective. I address those nuances, and all other matters, insofar as they are principal important controversial issues.

### **Main issues**

8. Against the background above, the main issues are (i) whether TBC is able to demonstrate a 5YHLS, (ii) whether the location of the appeal site is suitable for housing with reference to the spatial approach in the development plan,

---

<sup>3</sup> Ref. APP/G1630/W/17/3167141, Core Document ('CD') F.11.

<sup>4</sup> Cognisant of the judgement in Fox Strategic Land & Property Ltd. v Secretary of State for Communities and Local Government [2012] EWCA Civ. 1198.

<sup>5</sup> Notwithstanding the original proposal there was for up to 75 dwellings.

<sup>6</sup> CD C.14.

<sup>7</sup> CD A.28 to A.35, an accommodation schedule, correspondence of 10 November 2022 on behalf of Key Transport Consultants Ltd., and correspondence of 17 November 2022 on behalf of the Tyler Grange Group Limited.

<sup>8</sup> CD A.32.

<sup>9</sup> Under the Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000 as amended.

(iii) the effect of the proposal on community cohesion, and (iv) the effect of the proposal on landscape and local character.

## Reasons

### *The site*

9. The appeal site is a roughly pentagonal parcel of land amounting to some 4.15 hectares.<sup>10</sup> It is bisected by the line of an historic hedgerow shown in map regression in the appellant's Heritage Assessment ('HA'). That hedgerow is now partial, barely perceptible towards Manor Lane. The common boundary with the rear gardens of properties along Manor Lane demarcates the easternmost extent of the Gotherington settlement boundary here.<sup>11</sup> That hedgerow remains more discernible heading further across the site towards the line of the Gloucestershire Warwickshire (Heritage) Railway ('GWR'), being punctuated by an ash, oak, and cluster of smaller trees in that direction (T2, T3 and G4 in the appellant's Arboricultural Impact Assessment, 'AIA').
10. The embanked railway line represents the arcing westwards boundary of the AONB in this location. The appellant's Design and Access Statement ('DAS') refers to the 'more dramatic hillside' character of the AONB beyond. The topography of the site rises close to the embankment, albeit otherwise the site slopes only gently. At the time of my site visit the site appeared managed as grassland or, in part, had been potentially drilled with some crop. There is limited information as to the agricultural history here. There is, however, no substantive countervailing evidence to the summary of the site's current nature in the appellant's Ecological Impact Assessment and Biodiversity Net Gain Report ('EcIA').
11. Aside from by the collection of agricultural buildings at Truman's Farm, the site is otherwise enclosed by hedgerows with occasional field accesses. Beyond those agricultural buildings falls grade II listed Truman's Farmhouse which, according to the list entry, traces its origins to the late sixteenth century.<sup>12</sup> That, and the presence of historic buildings nearby and elsewhere may be said to reflect a 'time depth' at Gotherington as referenced in the DAS, notwithstanding the absence of a Conservation Area. The GWR represents a late nineteenth century intervention. Passenger services were withdrawn around 1960, the line now a popular tourist attraction.
12. Vegetation along the site boundary with the plots of Manor Lane properties is relatively light. That appears to reflect the comparative recency of that boundary in landscape terms. Nos. 3 to 11 Manor Lane, the rear gardens of which extend up to the appeal site, in their regular spacious arrangement, materials and understated detailing, appear quintessentially mid-to-late twentieth century. As a rule, properties either side thereof, with the exception of no. 44 Gretton Road which is of broadly similar era, appear older. Towards the north-east of the appeal site are further fields between the appeal site and Gotherington Nurseries. Squarely on the opposite side of Gretton Road falls GNDP allocation GNDP02/3, or Privet Court as it has now become. At the time of my site visit several of the dwellings at Privet Court were occupied.

---

<sup>10</sup> 3.95ha also referenced in the evidence before me.

<sup>11</sup> GDNP, figure 6.

<sup>12</sup> List entry no. 1091687.

13. Gretton Road becomes Malleson Road by the junction with Cleeve Road to the west of the site. Gretton Road and Malleson Road wind centrally through Gotherington, resulting in a principally east-west linear form to the Village. A short distance west of the Village, Malleson Road joins the A435, which heads south to Bishop's Cleeve (the built form of which now extends to a few fields over). The wider landscape here is criss-crossed with public rights of way. I walked along many during my site visit, between about 14:00 and 18:00, based on walking routes helpfully suggested by GPC and MLAG.
14. Footpath AGO22 heads perpendicularly westwards away from Manor Lane close to Truman's Farm, flanking Gotherington Primary School. Footpaths AGO33 and AGO43 splinter shortly after the railway bridge to the south of the site, both heading upwards into the AONB (intersecting with footpath AGO30 as they go). AGO33 continues to track upwards, leading to Nottingham Hill. Nottingham Hill Camp, likely initially an Iron Age promontory fort, is scheduled.<sup>13</sup> On the opposite side of Gretton Road, next to Privet Court, Bridleway AGO27, part of Sabrina Way, heads into the AONB proceeding north-westwards (intersecting with footpath AOX23 in short order). Thereabouts the topography rises towards both Crane Hill and Woolstone Hill beyond Woolstone Hill Farm.<sup>14</sup>
15. 45 dwellings, most detached or semi-detached, are proposed. They would be located to the west of the appeal site. The dwellings proposed would be essentially traditional in form and proportions, understated in design. As is present throughout the Village, extensive stone facing is proposed. Existing properties close to the site are predominantly substantial dormer bungalows. Dwellings proposed closest to the settlement boundary would be two storey, declining to one-and-a-half or single storey heading north-eastwards. The eastern side of the site would be principally open, albeit landscaped. That side of the site would also host the LEAP, a pumping station and an attenuation pond associated with the scheme. 40% of the dwellings proposed would be affordable housing (as defined in the NPPF).
16. Vehicular access would be achieved by removing a section of hedgerow alongside Gretton Road, facing towards the access to Privet Court. The appellant's Road Safety Audit ('RSA') sets out how Gretton Road is 'a traditional rural route that is relatively narrow and abutted by hedgerows close to the carriageway and as such is inappropriate for pedestrian movements'. That position is informed by current approaches to road safety; many rural environments are characterised by similar circumstances as here. In that context I note that Gretton Road here is relatively straight and subject to a 30mph speed limit. Nevertheless, the scheme has been informed by the RSA. The appellant's Transport Statement ('TS') sets out how the proposal would also include an 'uncontrolled crossing with dropped kerbs and tactile paving is proposed at the western end of the site to access the footway on the northern side of Gretton Road, which is being constructed as part of the residential development opposite the site [Privet Court].' There would also be a further pedestrian access to the site, broadly opposite Sabrina Way, which would again punch through the roadside hedge.

---

<sup>13</sup> List entry no. 1004864.

<sup>14</sup> Woolstone Hill also apparently referenced as Oxenton Hill on certain maps.

### *Housing land supply*

17. Criterion 3.iii. to JCS policy SP1 sets a housing requirement of at least 9,899 for Tewkesbury Borough. That equates to 495 dwellings per annum ('dpa'), differing from what is given as 8,640 'demographically' derived needs. The difference between the two figures reflects a conscious approach to addressing economic growth, boosting the delivery of affordable housing, and providing for some flexibility in land supply. JCS policy REV1 requires a partial review of the housing supply for Gloucester and Tewkesbury to commence 'immediately upon adoption of the JCS'.
18. Policy REV1 stems from the withdrawal of the allocation at MOD Ashchurch, following the Defence Infrastructure Organisation's position in that regard at the tail end of the JCS examination. That resulted in anticipated delivery declining abruptly by approximately 2,400 dwellings over the plan period relative to the overall requirement.<sup>15</sup> Whilst that anticipated shortfall appears to have significantly lessened over time,<sup>16</sup> an immediate review has not occurred. Arguably now any review could not be 'immediate'. There is no clear indication as to any future review timescale.<sup>17</sup>
19. At the time of the examining Inspector's report into the JCS, housing delivery in the Borough had been strong. There had been an 'oversupply of 254 dwellings against the annualised housing requirement of 495...'.<sup>18</sup> The concept of oversupply was relevant in the appeal decision of 12 January 2021, whereby 50 dwellings were allowed at land off Ashmead Drive, Gotherington (the '2021 appeal').<sup>19</sup> At that juncture the Inspector explained how since the base date of the JCS there had been 'an overall surplus of 1,115 dwellings' relative to the requirement in policy SP1 as above. Nevertheless the Inspector there reached the position that past additional supply should not be counted ahead. By consequence the Inspector found that forward housing land supply stood at about 2.4 years' worth.<sup>20</sup>
20. A challenge to the 2021 appeal was unsuccessful.<sup>21</sup> The potential for guidance in respect of oversupply was referenced in the NPPF prospectus published (22 December 2022). Whether that will be taken forward is, however, hypothetical. Setting that aside, the 2021 Housing Delivery Test data ('HDT') for Tewkesbury Borough Council stood at 159% relative to the previous three years' requirement.<sup>22</sup> HDT across the JCS area is similarly strong. In the foregoing context there has evidently not been 'significant under delivery' of housing over the previous three years with reference to NPPF paragraph 74. c).
21. The 11 December 2022, however, marked the fifth birthday of the adoption of the JCS. NPPF paragraph 74 sets out that a supply of specific deliverable sites should be calculated relative to 'local housing need ('LHN') where the strategic

---

<sup>15</sup> CD D.18, paragraphs 75 to 88.

<sup>16</sup> Closing statement on behalf of the Council, paragraph 24.

<sup>17</sup> Albeit that paragraph 21 of the Inspector's decision in respect of an appeal at Land at Oakley Farm refers to the estimated adoption as 'winter 2024/ spring 2025' (appeal ref. APP/B1605/W/21/3273053, CD F.4)

<sup>18</sup> CD D.18, paragraph 95.

<sup>19</sup> APP/G1630/W/20/3256319, CD F.7.

<sup>20</sup> Ibid., paragraph 63.

<sup>21</sup> *Tewkesbury Borough Council v Secretary of State for Housing Communities and Local Government* [2021] EWHC 2782 (Admin) (18 October 2021), CD F.18.

<sup>22</sup> Within the terms of HDT methodology.

- policies are more than five years old<sup>39</sup>. Footnote 39 sets out that it does not apply where strategic policies have been reviewed and found not to require updating. As with the immediate partial review required pursuant to JCS policy REV1, that has not occurred.
22. LHN generates, as a minimum, a housing need figure of 578dpa for the Borough. In the light of the unsuccessful challenge to the 2021 appeal, TBC do not propose that any oversupply in terms of delivery in previous years be counted or cast forward. I note, however, that Jeremy Butterworth's housing proof on behalf of TBC notes that oversupply over the first 11 years of the plan stands at 815 dwellings.<sup>23</sup>
  23. That is significantly less than 1,115 cited by the Inspector in respect of the 2021 appeal. The reasons behind that are unclear. The absence of a review in terms of identifying provision towards the tail-end of the plan may be a factor. Setting that entirely aside, however, TBC and the appellant agree that the 5YHLS requirement ('5YHLSR') is 3,035 dwellings, representing 607dpa.
  24. A central area of dispute between TBC and the appellant is whether 2,000 homes derived from three JCS urban extension allocations should be 'counted' towards anticipated forward supply in the Borough specifically. Those allocations are at Innsworth and Twigworth, South Churchdown and North Brockworth. They are respectively subject to JCS policies A1, A2 and A3.<sup>24</sup> Criterion 2 to JCS policy SP2 explains how the 'unmet needs', i.e. those needs which cannot be accommodated within the administrative boundaries of Gloucester City Council will be delivered on strategic allocations sites identified via policy SA1 (which refers to policies A1 to A7).
  25. On 26 June 2023 an appeal decision was allowed at Alderton.<sup>25</sup> There the Inspector explained 'in this circumstance it is common ground that no 5-year supply can be demonstrated as the supply falls between 2.27 and 3.32 years'.<sup>26</sup> The 'in this circumstance' caveat refers to the implication of discounting contributions from the allocations above. I have adopted the convention of the Inspector there as referring to those allocations, for brevity if not exactitude, as 'donor sites'. The Alderton decision followed an earlier appeal decision at Twyning where the legitimate contribution that donor sites make towards the TBC's 5YHLS was also at issue.<sup>27</sup>
  26. The role of donor sites, somewhat surprisingly, remains in dispute. Overall, the updated statement of common ground between TBC and the appellant puts those parties' respective positions in terms of forward housing land supply as 6.68 or 2.14 years' worth (4,055 or 1,302 dwellings relative to the 5YHLSR of 3,035).
  27. As summarised in Jeremy Butterworth's housing proof on behalf of TBC, that Tewkesbury would meet a proportion of needs instead arising in respect of Gloucester City Council's administrative area 'was not an agreement dictated by national policy or guidance; it is the product of cooperation between the

---

<sup>23</sup> CD C.22, paragraph 5.3.2.

<sup>24</sup> All of which have overall capacities exceeding the proportion included by TBC in their position on 5YHLS.

<sup>25</sup> APP/G1630/W/22/3310117.

<sup>26</sup> Ibid. paragraph 31.

<sup>27</sup> APP/G1630/W/21/3284820, CD F.1.

JCSS authorities to address the needs identified in the JCS'.<sup>28</sup> Via that proof it is also contended that establishing and maintaining a 5YHLS has 'nothing to do with plan making', in contrast to setting a housing requirement.<sup>29</sup>

28. TBC also argue that the approach arrived at via the JCS was over the plan period of 2011 to 2031, rather than directed towards a rolling 5YHLS. I am further directed to be concerned with the 'concept of delivery which is distinct to the concept of deliverability'.<sup>30</sup> Moreover TBC emphasise that inputs to LHN calculations, both 2014 based household projections ('HHP2014') and median workplace-based affordability ratios, are set out by local planning authority area rather than reflecting areas covered by joint plans. There is some logic in the foregoing, but only so much.
29. Albeit that the precise redistribution or allocation of housing amongst JCS authorities was not prescribed by national policy or guidance, it was evidently informed by them and by the Duty to Cooperate ('DtC'). All iterations of the NPPF since the original version of 2012 have referred to the need to boost significantly the supply of housing, and that consistency with national policy is a test of a plan's soundness. The exercise of the DtC is, moreover, not a matter of process without effect.
30. Neither the NPPF nor PPG alter the statutory basis for decision taking set out above. It appears that TBC lean heavily on that fact on the one hand (in the eventuality I were to find that the most important policies should be deemed out of date). However, on the other hand, TBC appear to disregard the statutory basis for decision-taking on account of the methodology by which LHN is established. Those are contradictory positions.
31. The JCS could not have foreseen the LHN methodology, and explanatory text to a policy does not have the same force as the policy wording itself. Nonetheless JCS paragraph 3.2.23 sets out how 'dwellings being delivered on urban extensions to Gloucester or Cheltenham will contribute solely to the needs of the area's respective OANs and land supply calculations'.<sup>31</sup> Donor sites were therefore not only envisaged as the logical marrying up of anticipated delivery across the JCS area with aggregated needs. They were consciously attributed to land supply in constituent authorities' areas.
32. An appeal is not some form of re-examination of a development plan. Development plan policies are the fundamental starting point for decision-taking. Establishing a 5YHLS is therefore inextricably linked with plan-making. There is also circularity between the two, which plays out over a long period of time. To some extent housing requirements inform delivery. Delivery in turn informs projections. Projections inform a requirement. That circularity is recognised via the use of 2014-based household projections ('HHP2014') to avoid inputting under-delivery in LHN calculations.<sup>32</sup>

---

<sup>28</sup> CD 22, paragraph 3.1.18.

<sup>29</sup> Ibid., paragraph 4.2.5, noting that appeal ref. APP/J1860/W/19/3242098 is brought to my attention ostensibly in support of that position, CD F.19.

<sup>30</sup> Ibid., paragraph 5.4.5.

<sup>31</sup> Distinguishing circumstances here from in respect of the interaction between Vale of White Horse and Oxford City referred to in Cameron Austin-Fell's proof in respect of housing on behalf of the appellant, CD C.18.

<sup>32</sup> PPG Reference ID: 2a-005-20190220.

33. The use of HHP2014 in LHN is also significant. HHP2014 were found to make no meaningful difference to the objectively assessed housing need upon which the JCS was premised.<sup>33</sup> It cannot therefore be argued that any agreement that TBC accommodate the unmet needs of others, or any oversupply relative to housing requirements, is now baked into the calculation of LHN in this instance.
34. I acknowledge that, in the main, Councils enable rather than deliver housing directly. However in a similar manner to my reasoning in paragraph 30 above, TBC's arguments in that regard appear contradictory. Paul Instone's proof of evidence on behalf of TBC in respect of planning, for example, states how 'it is essential that planning decisions reflect reality and actual housing delivery outcomes...'.<sup>34</sup> Setting that aside, NPPF paragraph 74 sets out how a 5YHLS should be updated annually, by its nature reflecting delivery.
35. Moreover, nowhere in the NPPF or PPG is it expressly stated that LHN was intended as a broader shift to planning on an authority-by-authority basis (as might be the simplified summary of the TBC's position). LHN is the 'baseline' for local requirements. The DtC remains. There are multiple references to joint working in the NPPF.<sup>35</sup>
36. Furthermore, and of quite some significance, there is nothing to indicate other than that TBC and Gloucester City Council currently both 'claim' forecast supply from donor sites.<sup>36</sup> That position may of course change in time. Nonetheless that appears to represent a bizarre situation where some housing delivery at donor sites would be occupied once but counted twice.
37. I therefore find that 2,000 homes arising from donor sites should be discounted from the TBC's position in respect of anticipated forward supply. Therefore on that basis alone forward housing land supply stands, at best, at 3.39 years (some 2,055 dwellings).<sup>37</sup> That is a significant shortfall.<sup>38</sup> Accordingly the most important policies should be deemed out of date for the purposes of NPPF paragraph 11.d), a finding which neither alters the statutory basis for decision taking nor indicates the weight to ascribe to any policy conflict.<sup>39</sup>

#### *Location of development*

38. Criterion 1 to JCS policy SP1 makes provision for the delivery of approximately 35,175 new homes over the plan period across constituent authorities. Bullet iii. to criterion 3 specifies the housing requirement for TBC as 'at least 9,899 new homes'. Recognising that the JCS is a strategic document, criterion 2 to policy SP1 sets out how housing is to be delivered, namely by development 'within existing urban areas through District plans, existing commitments, urban extensions to Cheltenham and Gloucester, and the provision of Strategic Allocations at Ashchurch'.

---

<sup>33</sup> CD D.18, paragraph 48.

<sup>34</sup> CD C.20, paragraph 5.48.

<sup>35</sup> Paragraphs 17.a) and 24 to 27.

<sup>36</sup> CD C.18, paragraph 10.2.

<sup>37</sup> CD C.15 (as updated at the Inquiry).

<sup>38</sup> Even were 815 dwellings 'oversupplied' since 2011 accounted forward, effectively 'raising' delivery to 2,869, a 5YHLS would still not be in evidence.

<sup>39</sup> TBC identifying what it considers to be a smaller clutch of policies to be 'most important' relative to a more expansive list advanced by the appellant.



39. At its core the approach in JCS policy SP1 is consistent with the objectives of NPPF paragraphs 104 and 105, i.e. in seeking to 'locate jobs near to the economically active population, increasing sustainability, and reducing out-commuting thereby reducing carbon emissions from unsustainable car use.' That consistency is not intrinsically affected by the absence of a 5YHLS, albeit the mechanism by which development was envisaged to come forward in that respect, via criterion 2 to policy SP1, is now evidently out of date.
40. JCS policy SP2 thereafter sets 9 criteria governing the distribution of development. In summary, development is directed towards a hierarchy of settlements in rough proportion to their size and function (consistent with the foregoing objectives). Criterion 5 to JCS policy SP2 is of particular relevance. Along with 11 other settlements, Gotherington is identified as a Service Village.<sup>40</sup> Bullet ii. to criterion 5 is that 'the service villages will accommodate in the order of 880 new homes'. That applies, however, to allocations rather than to applications.
41. Albeit evidence created at a particular point in time, JCS table SP2c refers to a 2015 Settlement Audit Refresh 'SAR'.<sup>41</sup> Any methodology that attributes numerical scores to qualitative factors is inevitably imperfect. Nonetheless in the 2017 iteration of the SAR Gotherington is ranked sixteenth overall, with only 5 other Service Villages ranking higher.
42. JCS policy SD10 acts in consort with policies SP1 and SP2. Criterion 2 to JCS policy SD10, unsurprisingly, sets out how development will be permitted where allocated via the development plan. That is evidently not the case here. Criterion 3 to JCS policy SD10 accords support to housing development 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...'. The appeal site is instead agricultural land.
43. The scheme would similarly not accord with the circumstances defined in the remaining criteria to policy SD10, nor those in TBP policy RES3, where certain other types of development may be acceptable.<sup>42</sup> Albeit applying to different forms or types of development than the proposal here, those criteria nevertheless remain aligned with various provisions of the NPPF.
44. Although pre-dating the JCS, the GNDP was nonetheless informed by its preparation. GNDP paragraphs 5.6 and 5.7 explain how the figure of 'in the order' of 880 in JCS policy SP2 had been 'disaggregated' to settlements. That was by way of TBC's February 2015 document entitled 'Approach to Rural Sites' ('ARS').<sup>43</sup> The ARS balances multiple factors to arrive at a numerical apportionment of housing, including accessibility to 'Cheltenham and Gloucester' (*sic*), informing an apportionment of 86 homes for Gotherington between 2011 and 2031.

---

<sup>40</sup> Table SP2c, cross referenced in criterion 5 of policy SP2.

<sup>41</sup> An earlier iteration to the 2017 version at CD D.3.

<sup>42</sup> The scheme is not 'very small scale' brought forward as a rural exception site, as 'infilling', via the Community Right to Build or neighbourhood development order, via other 'specific exceptions' such as rural workers' dwellings, nor does it involve the re-use of existing buildings or the replacement or subdivision thereof.

<sup>43</sup> The ARS and GNDP cross-reference iterations of the SAR.

45. It is worth pausing to reflect on where Service Villages are located. Twyning falls to the north of Tewkesbury, Tewkesbury itself being broadly to the north of Cheltenham and Gloucester. Gotherington is to the north-east of Cheltenham, Alderton some distance beyond the Village in that direction. Neither Twyning nor Alderton could rationally be said to be as accessible to Cheltenham and Gloucester as Gotherington. Minsterworth is to the south-west of Gloucester, roughly comparable in distance from Cheltenham as Gotherington is to Gloucester.
46. Spatially Gotherington is therefore relatively well placed amongst Service Villages in terms of accessibility. That may partially account for why a figure of 86 homes was derived for Gotherington, more than the simple average of 73 that would be generated by dividing 880 dwellings by 12 Service Villages.
47. The proposal does not, however, benefit from support via GNDP policy GNDP01. That policy instead accords conditional support to infill development within the Village. Policy GNDP02 makes provision for three housing allocations (GNDP02/1, GNDP02/2 and GNDP02/3). Those allocations, now built out, are mapped at GNDP figure 6. GNDP02/1 is to the far west of the Village, to the north of Malleson Road by no. 116. GNDP02/2 is obliquely opposite GNDP02/1, accessed also via Shutter Lane. GNDP02/3 (Privet Court) also has a frontage to Gretton Road, being to the north thereof and squarely opposite the appeal site.
48. At the time of the 2011 census there were 448 dwellings recorded at Gotherington. Combining anticipated provision from allocations and 26 housing completions since 2011, the GNDP envisaged that 92 dwellings would come forward here to 2031. In proportionate terms, that would represent a 21% increase.
49. Via the 2021 appeal, however, up to 50 dwellings were allowed at land off Ashmead Drive.<sup>44</sup> MLAG therefore calculate that the current number of dwellings approved at Gotherington since 2011 now stands at 148, with applications yet to be determined for a further 20.<sup>45</sup> Numerically 148 dwellings relative to 448 represents a 33% increase, an additional 45 would reflect growth of some 43% in those terms.
50. The Inspector who determined an appeal in 2021 at Willow Bank Road Alderton allowed development that would have increased the size of that Service Village by 36% relative to 2011.<sup>46</sup> Conversely the representation of CPRE Gloucestershire refers to a 2015 appeal at land east of St. Margaret's Drive Alderton.<sup>47</sup> There an appeal was dismissed that would have increased the size of that village by 39%. A lesser proportionate increase to a village was also allowed by an Inspector at Gretton Farm.<sup>48</sup>
51. However there is no proportionate threshold set in the development plan beyond which expansion of Service Villages would be considered

---

<sup>44</sup> Ref. APP/G1630/W/30/3256319, CD F.7, following an unsuccessful earlier appeal APP/G1630/W/17/3175559, CD F.6.

<sup>45</sup> MLAG closing statement, paragraphs 4.4 and 4.8.

<sup>46</sup> APP/G1630/W/20/3259637, CD F.10.

<sup>47</sup> APP/G1630/A/14/2222147.

<sup>48</sup> APP/G1630/W/22/3296143.

unacceptable. The figure of 880 dwellings has also not stood the test of time in the light of the inability of TBC to demonstrate a 5YHLS. That figure is indivisible from the numerical approach to directing development across the JCS area. Statistics are also, at best, crude approximations for effects. Statistics also belie detail or judgements. It could also, legitimately, be said that the proposal would represent a 19% level of growth at Gotherington relative to planned-for levels.<sup>49</sup>

52. Policy GNDP02 also sets five criteria which development other than allocations are encouraged to meet. They are, in summary, a preference for development that a) adjoins the settlement boundary, b) maintains the Village's east-west linear form, c) safeguards the AONB, d) maintains separation to Bishop's Cleeve and Woolstone, and e) otherwise accords with the GNDP.
53. Those criteria, however, relate to the eventuality that 'the future development plan identifies an additional need for further strategic housing development'. GNDP policies GNDP03 and GNDP11 set out circumstances in which unallocated development outside the settlement boundary may be acceptable. In a similar manner to JCS policy SD10 and TBP policy RES3, none apply expressly to the development proposed.
54. Conflict with the development plan may be said to represent harm in and of itself. The NPPF emphasises the importance of a genuinely plan-led system, and also notes how neighbourhood plans enable the creation of a shared community vision for an area.<sup>50</sup> Logically there must come a point where unplanned housing delivery skews the strategic approach to locating development, or interferes with the objectives that a plan is designed to achieve.<sup>51</sup>
55. However, as above bullet ii. to criterion 3 of JCS policy SP1 seeks to enable provision of 'at least' 9,899 homes. Bullet ii. to criterion 5 of JCS policy SP2 employs a similar phrase, i.e. 'in the order of' 880 homes. Numerically neither of those figures therefore reflects an inherent limit beyond which any additional development would be unacceptable. I have also reasoned above that Gotherington is relatively well placed relative to other Service Villages in terms of accessibility.
56. I appreciate that policy GNDP02 was not conceived of to provide a basis for decision-taking. Nevertheless the appeal site adjoins the settlement boundary. The scheme would maintain the prevailing east-west axis to Gotherington, and would fall neither between the Village and Bishop's Cleeve nor Woolstone. Moreover GNDP allocation GNDP02/3, or Privet Court as it has now become, faces the appeal site on the opposite side of Gretton Road. I will return to the relationship of the scheme to the village, but there is no real differentiation between the two in terms of location.

---

<sup>49</sup> Subtracting 92 dwellings from 148, and adding 45 proposed here gives 101. 448 dwellings as at 2011 plus 92 planned for makes 540. 101 is approximately 19% of 540.

<sup>50</sup> Including at paragraphs 15 and 29, albeit that the GNDP is now approaching its sixth birthday with reference to NPPF paragraph 14. a)

<sup>51</sup> That criterion 5 to JCS policy SP2 refers to taking account 'existing levels of growth' reinforces that point; the accumulation of multiple smaller schemes over time may be significant collectively.

57. I acknowledge that there are limited local employment opportunities at Gotherington. Future residents would be, to some extent, reliant upon the use of private vehicles (including given the relatively limited bus service operational here). However the economy is not now so dependent on physical employment spaces as it once was. Any additional development at Service Villages would, moreover, increase car-reliance and associated emissions to greater or lesser degree (arguably to a greater degree at several Service Villages other than Gotherington). I therefore conclude that the effects of the development proposed in terms of its location would be acceptable.

#### *Community cohesion*

58. TBC aver that the proposal risks the 'erosion of community cohesion'.<sup>52</sup> They also state how 'negative social impacts can however result where the number of dwellings in a settlement is substantially increased without proportionate increases in infrastructure, employment opportunities and other local services'.<sup>53</sup> GPC and MLAG argue similarly, also making observations regarding the relationship of the site and proposal to the existing Village.

59. To some extent the TBC's position is a spur to the second main issue above, being relevant also to JCS policy SP2. Criterion 5 to JCS policy SP2 refers to taking into account the 'environmental, economic and social impacts [of development] including existing levels of growth over the plan period' (my emphasis).

60. As reasoned above, however, criterion 5 to JCS policy SP2 is directed towards establishing allocations rather than to determining applications. As the appellant notes, even if it were directed towards decision-taking, 'measures to mitigate' adverse effects are sought. As a phrase 'community cohesion' is referenced in the NPPF. However that is in relation to crime, disorder and the fear thereof.<sup>54</sup> There are no substantive arguments before me that those issues are of particular relevance here.<sup>55</sup>

61. NPPF paragraph 8.b), however, articulates the social objective to planning as to 'support strong, vibrant and healthy communities,' including by addressing future needs. The concept of community cohesion could be said to be relevant there. Albeit that the NPPF has been revised since the 2017 appeal, that is nevertheless the premise upon which the previous Inspector's reasoning was based. There are also parallels in that respect with the Inspector's reasoning in a 2015 appeal at St. Margaret's Drive Alderton.<sup>56</sup>

62. Whilst TBP policy RES5 is also referenced by TBC in respect of cohesion, that appears principally focussed on the design of housing development. There is only a glancing reference to development being of an appropriate scale relative to the relevant settlement. Planning should, however, ensure appropriate provision of (social) infrastructure.<sup>57</sup> That angle to the concept of community cohesion was, amongst other things, addressed by the Inspector who determined the 2021 appeal.

---

<sup>52</sup> CD C.8, paragraph 1.4

<sup>53</sup> Ibid., paragraph 5.20, said to draw from the Housing Background Paper of October 2019 at appendix E.

<sup>54</sup> NPPF paragraphs 92.b) and 130. f).

<sup>55</sup> Nor in respect of TBP policy HEA1.

<sup>56</sup> APP/G1630/A/14/2222147.

<sup>57</sup> Being referred to, amongst other locations, at NPPF paragraphs 11, 34 and 124.

63. In that context my reasoning under this main issue focusses in turn on the social objective to planning, implications for infrastructure and how the scheme would relate to the existing Village.

*The social objective to planning*

64. The proposal has generated significant local concern, GPC referring to 151 objections. MLAG further contend that, as a result of the number of proposals here and elsewhere, the extent of local objection may be underrepresented on account of consultation fatigue. As stated previously, the population of Gotherington has increased in recent years resulting in some change.
65. There is evidence before me indicating that various local clubs or associations are stretched to, or beyond, capacity (including the local football, cricket and history clubs). MLAG's closing statement explains how 'since the Inquiry, an organiser of the Wine Club has advised that it has again reached capacity'. MLAG also intimate that prospective residents of the development proposed would be less time rich than existing residents, and thereby less likely to actively contribute to Village life. MLAG also point out how 'the practice of saying 'hello' to everyone you pass is already less common than it used to be'.
66. I acknowledge that change can be disquieting. However that is in large part based on perception. It might equally be argued that changes in the size or composition of a community do not intrinsically negatively affect cohesion. Additional people may bring positive energy and different experiences. Clubs at Gotherington are organised by its residents. New residents may support existing clubs and activities, for example enabling events to run more often, or themselves generate new propositions.
67. Paragraph 3.20 of the GNDP references the 'imperative' of ensuring local services are maintained. I understand that recently the Village bakery and hairdressers, for clarity two different services, have recently shut down. Wider economic forces and consumption preferences unarguably played a role in that. Nevertheless a growing population inherently brings increased trade (some of which, given the opportunity, is likely to be localised). That is recognised via NPPF paragraph 79. There is therefore nothing to indicate that undue harm would arise in respect of the social objective of planning in itself.

*Implications for infrastructure*

68. It is not axiomatic that 'increases in infrastructure' are necessary as population rises as it is put by TBC.<sup>58</sup> Nonetheless, community infrastructure at Gotherington is comparatively limited. GPC explain how the Village Hall has a fire certificate for only 80 people, and that there is limited parking provision there and in association with the neighbouring Rex Rhodes building. I understand that the Old Chapel by the junction of Gretton Road and Cleeve Road has a useable floorspace of only around 48 square metres, sufficient only to seat a maximum of 40 people.
69. Freeman's Field next to the Village Hall has been the focus of recreation at Gotherington since 1964. I am told, however that the area devoted to

---

<sup>58</sup> Noting that NPPF paragraph 57 sets out the tests for establishing where planning obligations may legitimately be sought (and by extension, taken into account).

recreation is now only around 1.47ha, and that there is limited capacity also at the associated John Woolley Sports Pavilion (which opened in 2016). I heard, in particular, arguments as to how there is real difficulty in funding expansion of recreational provision (reflecting the difficulty of practically securing additional land). There is also an acknowledged issue with existing pitch quality.<sup>59</sup> Constraints in terms of local infrastructure have been a long-running factor in the assessment of proposals for development here.

70. Ostensibly reflecting population growth, MLAG are of the view that there is less community infrastructure than there was in 2017 or 2021.<sup>60</sup> Whilst that may be felt to be the case, notwithstanding certain practical challenges, GPC has evidently worked hard to fund provision. A fair chunk of money has been, or is intended to be, spent locally on improvements.
71. I understand that the Old Chapel was, for example, renovated and re-opened for community use in 2021. It is not uncommon for community facilities to have limited physical or parking capacity relative to the local population to which they relate. In line with my reasoning in paragraph 66 above, whilst certain existing clubs may be approaching their natural limit, or oversubscribed, that is not automatically correlated with physical capacity.
72. Moreover NPPF paragraph 55 directs that consideration should be given as to whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations (in that order of preference). I appreciate there are practical challenges in identifying suitable projects for funding in and around Gotherington, however based on the evidence before me that does not appear to represent a fundamental barrier to additional growth.
73. Returning to the provisions of the development plan, JCS policies INF4, INF6 and INF7 relate to infrastructure provision. Criterion 2 to policy INF6, in particular, sets out a list of additional infrastructure or service types to which contributions may be sought. JCS policies SD11 and SD12 make provision in terms of housing mix, standards and affordable housing. Those provisions logically apply irrespective of whether or not a 5YHLS can be demonstrated (as they relate to the implications or quality of housing rather than its quantity). Planning obligations must only be sought where they meet the tests set out in NPPF paragraph 57, also contained in Regulation 122 of the Community Infrastructure Levy Regulations 2010 as amended (the 'CIL Regulations'). TBC has CIL in place.
74. The planning agreements under section 106 of the 1990 Act commit all those with a legal interest in the land to the fulfilment of certain obligations in the eventuality that the appeal were to be allowed, conditional on my reasoning. The agreement with the County Council dated 23 June 2023 contains obligations by way of financial contributions towards school transport, library funding and primary education (along with the County Council's costs associated with the implementation and monitoring thereof). Financial contributions in respect of management and maintenance of open space, the LEAP, towards improvement of playing pitches in the general area of the site

---

<sup>59</sup> CD D.26, GPC closing statement.

<sup>60</sup> MLAG Closing statement, paragraph 4.5

(£19,811), in respect of refuse management and monitoring are contained within the agreement with TBC.

75. GPC state that 208 of 210 pupil places at Gotherington Primary School are taken, excluding a waiting list of 12 individuals. I heard heartfelt testimony from Sarah Barsby-Finch as to the adverse social implications of living in the Village but being unable to access a school place. However I understand that GCC administers school places based on an area-based, as opposed to individual school, methodology.<sup>61</sup> I therefore understand that many school places at Gotherington Primary School are already 'taken' by those who live beyond the Village.
76. That may be on account of various factors, albeit that the existing demographic of Gotherington will be amongst them. Arguably in the longer term an increased local population may aid community cohesion as children living in the Village will form an increased component of all places over time.<sup>62</sup>
77. In any event, however, many individuals in the wider area travel to school elsewhere. The scheme would not significantly alter that. Whilst I appreciate there have been delays in the anticipated provision of a new school towards Bishop's Cleeve off the A435, provision of social infrastructure invariably entails some complexities. Neither GCC nor TBC maintain an objection to the scheme with reference to JCS policies INF4, INF6 and INF7 based on the foregoing contributions towards school transport and primary education.
78. I appreciate that the site is some distance from the centre of Gotherington around Freeman's Field. MLAG indicate that the site falls some 885m from it, referring to the Government's Manual for Streets (2007, 'MfS') in that context. However the figure of 800m in paragraph 4.4 of MfS figure is given as approximate guidance in the context of walkable neighbourhoods being 'typically characterised' by walking distances of 'about' that distance.
79. With that in mind both the distance and experience of walking between the appeal site and Freeman's Field would be comparable with walking between the latter and Privet Court (or between properties towards the south of Manor Lane). The Old Chapel and Village Shop are both closer around Cleeve Road.
80. Moreover the scheme would provide for a LEAP, complementary to existing leisure provision in respect of which there are challenges locating available land. I acknowledge that no public rights of way run through the appeal site. However I am also told, and saw during my site visit, how public rights of way nearby including Sabrina Way are relatively well used. Subject to being sensitively designed and well managed, the LEAP would in my view be a welcome part of community provision.
81. The planning agreement with TBC also contains provisions securing 40% affordable housing in line with JCS policy SD12, a proportion of housing compliant with approved document M4(2) and M4(3)(b) of Approved Document M in respect of accessibility, and also compliance with the Nationally Described Space Standards 2015 pursuant to policy SD11.

---

<sup>61</sup> Reference is made to the 'Gotherington Primary Academy and/ or the Bishop's Cleeve Primary Planning Area'.

<sup>62</sup> MLAG indicating that process may, however, take seven or more years given the existing composition of the school and operating eligibility requirements for places.

82. There is an appropriate basis for all contributions, including as evidenced via representations of relevant consultees and associated methodologies.<sup>63</sup> There is no dispute between TBC or GCC and the appellant over the justification or appropriateness of any of the planning agreements. Given my reasoning above, the obligations contained within the S106 are necessary to make the development proposed acceptable and also accord with the relevant provisions of NPPF paragraph 57 and CIL Regulation 122.
83. Drawing together my reasoning, although the proposal would increase the population at Gotherington and may put some strain on existing community facilities and organisations, that would neither be excessive, nor would conflict arise with relevant elements of the development plan or provisions of NPPF paragraph 8.b).

#### *Landscape and local character*

84. As above, the site falls next to the AONB. The AONB has an irregular boundary, which here tracks along the eastern side of the railway to the bridge over Gretton Road by Gotherington Halt. The boundary then 'returns' towards the Village along the opposite side of Gretton Road, after a while heading up into the landscape by Sabrina Way. Thereafter the AONB extends roughly from the Tirl Brook towards Woolstone Hill.
85. Section 85(1) of the Countryside and Rights of Way Act 2000 as amended (the '2000 Act') places a duty upon me to have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty. NPPF paragraph 176 sets out that 'great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.' It further sets out how 'the scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.'
86. There is a distinction in NPPF paragraph 176 between development within areas of outstanding natural beauty and within their setting. Nevertheless the provisions of section 85(1) of the 2000 Act apply to the exercise or performance of any functions 'in relation to, or so as to affect, land in an area of outstanding natural beauty...' (my emphasis). The PPG explains how section 85(1) is relevant to considering development outside of areas of outstanding natural beauty but which might have an effect on their setting or protection.<sup>64</sup>
87. Addressing the landscape implications of proposal, including in relation to areas of outstanding natural beauty, is intricate and has been litigious. The Cotswolds National Landscape Board's representations refer to the judgement in *Monkhill* in that context.<sup>65</sup> Paragraph 63 of that judgement sets out that NPPF policy on areas of outstanding natural beauty is capable of representing

---

<sup>63</sup> Including Gloucestershire County Council's School Places Strategy 2021-2026 (published March 2021) and GCC's Local Development Guide (updated March 2021).

<sup>64</sup> Reflected via PPG Reference ID: 8-039-20190721.

<sup>65</sup> *Monkhill Ltd v Secretary of State for Housing, Communities And Local Government* [2019] EWHC 1993 (Admin) (24 July 2019).



- a 'clear reason' for refusing the development proposed (a phrase now in NPPF paragraph 11.d)i.
88. Logically the inverse is also the case; if there is no 'clear reason', NPPF paragraph 11.d)i. would not be engaged. Moreover 'great weight', as referred to in NPPF paragraph 176, does not displace the need for judgement as to the effects of a given scheme.
89. Various development plan policies set out how development should, in broader than AONB terms, integrate appropriately with its surrounding context.<sup>66</sup> Bullet points b) and a) to NPPF paragraph 174 set out how planning policies and decisions should contribute to and enhance the natural and local environment by both 'recognising the intrinsic character and beauty of the countryside' and by 'protecting and enhancing valued landscapes'. In the context of bullet point a) to NPPF paragraph 174, there was some discussion at the inquiry on the judgement in *Stroud*.<sup>67</sup>
90. The judgement in *Stroud* addresses the distinction between a designated landscape and a valued landscape. The two may differ. Moreover that a landscape, or element thereof, is 'valued' by local residents does not inherently mean that it amounts to a valued landscape. In short the judgement in *Stroud* refers to demonstrable attributes that would take an area 'out of the ordinary'.<sup>68</sup> The judgement in *Stroud* is referred to in the Landscape Institute's Technical Guidance note 02/21 'Assessing landscape value outside national designations' ('TGN02/21'), albeit with a note of caution.<sup>69</sup>
91. In this instance the site falls within a Special Landscape Area ('SLA'), designated under TBP policy LAN1. Albeit that JCS policies SD6 and SD7 are relevant to landscape considerations, the sole reference to the SLA in the JCS is to saved policies of the Tewkesbury Borough Local Plan 2006. The JCS did not supersede the saved policy governing SLA (LND2). The 'reasoned justification' to TBP policy LAN1 explains how SLAs are local landscape designations originally introduced through the 1982 Gloucester Structure Plan.
92. As referenced in the NLMP, the AONB itself was designated in 1966 and extended in 1990. I understand that the boundaries of the SLA and AONB, insofar as relevant to the vicinity of the appeal site, have not been amended since their initial establishment.<sup>70</sup> There is some contention that the railway marks something of an artificial boundary to the AONB. Whilst the boundary to the AONB is as it is, that argument effectively relates to a judgement as to the landscape value of the site.
93. The reasoned justification to TBP policy LAN1 explains, however, how Special Landscape Areas 'are defined as areas of high quality countryside of local significance. While SLAs are of a quality worthy of protection in their own right, they also play a role in protecting the foreground setting for the

---

<sup>66</sup> Including JCS policy SD4 and GNDP policy GNDP10.

<sup>67</sup> *Stroud DC v SSCLG & Gladman Developments Ltd* [2015] EWHC 448 Admin.

<sup>68</sup> *Ibid.*, also referring at paragraph 26 to the differential referred to in paragraph 86 of this decision.

<sup>69</sup> Including at paragraph A4.1.4.

<sup>70</sup> As discussed at the Inquiry, TBP paragraph 8.4 explaining that the boundaries are unaltered from the 'Tewkesbury Borough Local Plan to 2011'.

adjacent Cotswolds AONB. The SLA is defined where the topography is a continuation of the adjacent AONB and/or where the vegetation and associated features are characteristic of the AONB’.

94. Whilst there is also reference to the SLA being established with reference to identifiable physical features in the landscape, the methodology that led to its establishment has passed into history. It is therefore somewhat difficult to establish the ‘identified quality’ of the landscape in the development plan, the phrase used in NPPF paragraph 174.
95. In that context, Stuart Ryder’s proof in respect of landscape matters on behalf of TBC honestly explains how they have ‘professional difficulties in classifying all SLA areas as a valued landscape on the basis of the original 1982 classification with no access to original assessment and justification for inclusion in the SLA formation.’<sup>71</sup>
96. It is important to note that although this appeal deals with a site, that site is also part of a landscape (whatever spatiality is used to define a landscape).<sup>72</sup> All that intricacy aside, however, I accept the Council’s central premise that implications are all centred on judgement of landscape quality and effects.<sup>73</sup>
97. Both Stuart Ryder’s proof, and that of Michael Davies on behalf of the appellant, refer to TGN02/21 and to the Landscape Institute’s Guidelines for Landscape and Visual Impact Assessment: Third edition (updated November 2021, ‘GLVIA3’). Both have completed respective versions of ‘box 5.1’ to GLVIA3 interpreted with reference to TGN02/21.
98. GLVIA3 and TGN02/21 put some methodological rigour to assessing landscape value and the effects of proposed development. Whilst those documents represent a standardised approach, in a similar vein to my reasoning in paragraph 41 of this decision in respect of the RSA, they inevitably seek to quantify what is, at its heart, a qualitative assessment. The same is true of any evidence (which cannot hope to be comprehensive or uncontroversial in terms of inputs, viewpoints and categorisations).
99. The value of a site, along with its susceptibility and sensitivity to change and the effects of proposed development are inherently matters of judgement. I do not go behind the development plan in that the site falls within the SLA, but nevertheless the respective versions of ‘box 5.1’ are useful in reaching a judgement. Local residents, GPC and MLAG may, entirely understandably, take a different view to the positions of the appellant, TBC and me. TBC also, however, contend that the proposal would ‘also cause harm to significant views identified in the Gotherington Neighbourhood Development Plan.’
100. Albeit that GNDP appendix 3 appears focussed principally on assessing potential implications of site allocations, policy GNDP10 nevertheless sets out how special consideration should be given to certain locally significant views.

---

<sup>71</sup> CD C.25, paragraph 4.8.

<sup>72</sup> Noting the judgement in *CEG Land Promotions II Ltd v Secretary of State for Housing, Communities and Local Government* [2018] EWHC 1799 (Admin), [2019] PTSR 353 referenced in the closing statement on behalf of the Council in that context.

<sup>73</sup> Council closing statement, paragraphs 38 and 45.

That is not to the exclusion of also considering 'other views from footpaths and publicly accessible places'.

101. I am conscious of my footsteps relative to those of the Inspector in 2017 (albeit that they did not expressly tussle with the concept of a valued landscape as opposed to a designated one). Whilst also acknowledging the qualitative nature of assessing landscape effects, the previous Inspector identified that the scheme in that instance would have reduced the 'SLA to just a relatively thin sliver at this point'. Notwithstanding certain moderating factors, notably landscaping, the Inspector there was also of the view that harm would result on account of the inter-relationship of the scheme and AONB, and that the scheme would also have been at odds with 'the generally linear form of the village...'

### *Consideration*

102. Against the statutory and policy context above, the proposal would inevitably overwrite what is essentially natural and open land.<sup>74</sup> That would be within the SLA and the development would be visible in conjunction with the AONB (both looking towards the AONB and from within it looking outwards). In summary, amongst other things, and with varying emphases, JCS policies SD6 and SD7, TBP policies RES5, LAN1 and LAN2, and GNDP policies GNDP02, GNDP09 and GNDP10 seek to suitably preserve landscape character. The proposal would intrinsically conflict with the approach in those policies in that regard.

103. The approach in the foregoing policies remains broadly consistent with the NPPF regardless of housing land supply. Nonetheless, as above, NPPF paragraph 170. b) sets out how planning policies should recognise the intrinsic character and beauty of the countryside. Recognise is not synonymous with protect. There is divergence between TBC and the appellant as to whether the site has attributes that might suggest it being a valued landscape, or part thereof.

104. In that context the site rises somewhat as it approaches the railway embankment, the HA indicating the site has experienced some colluvium deposition by consequence. As shown in the LVA, most notably from higher ground to the east and south-east towards Nottingham Hill, the site is widely visible in conjunction with parts of the AONB.<sup>75</sup> The site is also visible in connection with elements of the AONB from various private vantage points, notably from within properties and their plots along Manor Lane. The PS sets out how views out of and into the AONB 'can be very significant'.

105. The site falls within National (landscape) Character Area 107, the Cotswolds ('NCA107').<sup>76</sup> The key characteristics of NCA107 include its undulating geology, notably limestone, dramatic escarpments with open vistas, and an historic landscape incised by valleys and patches of woodland (beech hangers at upper scarps, oak and ash more characteristic of river valleys). The presence of large areas of common land and an extensive network of public

---

<sup>74</sup> Notwithstanding that the land has been much altered by human intervention, including agriculture itself, and that it features trees and is bounded by hedgerows.

<sup>75</sup> Notably from RVP 05, RVP 06, RVP 13, RVP 14 and RVP 15.

<sup>76</sup> Towards the fringes of National Character Area 105, Severn and Avon Vales (Natural England 20 March 2013).

rights of way is also noted. The NLMP summarises that the Cotswolds is a 'rich mosaic of historical, social, economic, cultural, geological and geomorphological and ecological features'. The NLMP includes, as special features, tranquillity, openness and the prevalence of arable land.

106. The Gloucestershire Landscape Character Assessment (2006, 'GLCA') identifies that the site falls within the Vale of Gloucester Landscape Character Area ('SV6B'),<sup>77</sup> defined by the rising landform of the Cotswolds escarpment and Oxenton Hill. The GLCA describes how 'intermittent small ridges, hillocks and undulations that rise above the general level of the Vale are important local features'. I saw how the landscape rising towards Nottingham Hill beyond the railway line includes such features. Albeit limestone is present throughout the Village as a building material, the GLCA notes how Gotherington grew up around a superficial deposition of Cheltenham Sand and Gravel (overlying the Charmouth Mudstone Formation). The GLCA also refers to a greater mix of arable and grazing land than indicated via higher-level studies, with low hedgerows punctuated by trees representing a common boundary treatment as at the appeal site.
107. As defined in the Cotswolds AONB Landscape Character Assessment (2016), the site falls within the Cooper's Hill to Winchcombe Landscape Character Type ('LCT2D').<sup>78</sup> Of note relative to other studies is that LCT2D is described therein as less extensively wooded than elsewhere, characterised by large unenclosed areas of rough grassland on upper slopes and improved pasture in moderately sized enclosures elsewhere.
108. There is a degree of topographic, visual and broader perceptive connection between the site and AONB in terms of character and appearance. At present, notwithstanding any intermittent agricultural use, the site contributes to the rural environs of Gotherington. In that context the site presently embodies broader sensory qualities, including as a result of its relative tranquillity and lack of illumination, which are shared with the AONB.
109. However, for the most part, the site is essentially level and slopes only gently, verging on imperceptibly. It possesses no lively geophysical features. There is a more marked change in the landform from the embankment heading eastwards,<sup>79</sup> and also heading north-west along Sabrina Way. The crests of Woolstone Hill and of Nottingham Hill are instead part of the Birdlip Limestone Formation. Albeit an artificial intervention, the railway line cuts a logical contour through the landscape. Neither in elevation nor topography is the site distinctly different to much other land around Gotherington, including that to which GNDP allocations relate.
110. As inherent in the GLCA characterisation of SV6B set out above, the land here is partially defined by the rising landform elsewhere. The site is effectively framed by, rather than itself creating or enabling, viewpoints and vistas of dramatic escarpments. In my view its qualities of being essentially open, natural and tranquil should not be over-stated. From most, if not all, public vantage points the site is inevitably seen in conjunction with mid-to-late twentieth century development along Manor Lane and elsewhere.

---

<sup>77</sup> Within the 'Settled Unwooded Vale' Landscape Character Type.

<sup>78</sup> Part of the wider 'Escarpment'.

<sup>79</sup> Noting LVA figure 10 in particular.

111. From panoramas obtainable towards Nottingham Hill and Woolstone Hill, the site forms a comparatively small landscape component (and then one seen in the context of other elements of the Village). That is similarly the case of the fleeting experience of the site if travelling along the GWR. Whilst the site is surrounded by hedgerows, and there is the remnant of a historic hedge line through it, the site is also bisected by power lines. It is set next to the principal highway through the Village and directly opposite Privet Court (which has physically extended development along Gretton Road here by around 130m since the 2017 appeal).
112. It is also worth noting that the previous Inspector referred to a Landscape and Visual Sensitivity Study ('LVSS') undertaken for TBC in November 2014. I understand the LVSS informed the process by which Service Villages were identified via the JCSS to accommodate development. The Inspector noted how the site, falling within wider land parcel 'Goth-05', was identified as having medium landscape sensitivity to new development. The LVSS is also referred to in the appellant's landscape note.<sup>80</sup> Only 'Goth-04' and 'Goth-06' amongst land encircling Gotherington were found in the LVSS to have both a lower level of landscape and visual sensitivity.<sup>81</sup> Unlike either of those land parcels, there are no public rights of way through the appeal site.
113. Truman's Farmhouse is grade II listed and some of its outbuildings are historic. Gotherington is dotted with listed buildings, principally astride Gretton Road. Notwithstanding the extensive historic lineage of the area, there is nothing to suggest any particular historic or archaeological significance to the site other than being ridge and furrow at some juncture before enclosure in 1807 (and potentially featuring the remnants of a late medieval trackway).<sup>82</sup>
114. As the HA notes, however, evidence of medieval farming is 'widespread in this area'. It is widespread elsewhere. There is no evidence of any associative value of the site, as opposed to the 'rich historical mosaic' of the AONB. Consequently the value of the site to the AONB may fairly be said to be limited. As above the SLA was, in part, established based on the ostensible affinity of land outside the AONB with that inside it, which is not readily apparent here.
115. TBC's and the appellant's respective versions of 'box 5.1' take differential slants in terms of the factor of natural heritage, leaning principally towards physiographic interest and ecology respectively. Within the terms of that factor,<sup>83</sup> however, both are relevant. Physiographically, I have reasoned above that the site only has a limited similarity with the attributes of the AONB. There is undoubtedly some ecological value to the site. However, commensurate with its history as agricultural land, that is comparatively limited.<sup>84</sup> The site is therefore not noteworthy in terms of natural heritage.

---

<sup>80</sup> CD D.22.

<sup>81</sup> Goth 4 being central within the village overlapping with the 2021 appeal site. Goth 6 heading away from Manor Lane by footpath AGO22.

<sup>82</sup> The site having previously been subject to geophysical survey and archaeological investigation in relation to application 16/00539/OUT, without significant outcomes.

<sup>83</sup> 'Landscape with clear evidence of ecological, geological, geomorphological or physiographic interest which contribute positively to the landscape'.

<sup>84</sup> CD A.8.

116. TBC's perspective on the TGN02/12 factor of 'distinctiveness', it appears, derives principally from the site's interaction with the Cotswold Escarpment. However I have reasoned that the site now features none of the small ridges, hillocks or undulations the GLCA aptly describes as important local features. I have also set out above how the site is effectively defined by virtue of its different qualities to much of the AONB. The site does not possess, topographically, historically, or more broadly in terms of perception, meaningfully different qualities from much of the rural environs of Gotherington.
117. Similarly, in respect of the TGN02/12 factor of 'functional', TBC's perspective leans heavily towards the site's function as part of a landscape to the AONB.<sup>85</sup> However, intrinsic in my reasoning above is that the site does not, in itself, provide a 'clearly identifiable and valuable function, particularly in the healthy functioning of the landscape'.
118. TBC's position in terms of landscape condition is that 'the site and its contextual area is in a good landscape condition with limited detracting features other than ongoing construction of housing to the north of the site'. There are, however, are other 'detracting features' (see paragraphs 110 and 111 above).
119. The site might fairly be described as a typical field managed for low-intensity agriculture. There is some evidence of hedgerow loss, albeit historic, and there are few trees. Hedgerows are of variable quality, and none appear important within the terms of the Hedgerows Regulations 1997 as amended (as set out in the HA). Albeit I accept that MLAG object to its characterisation as such, in respect of this factor the site representing an 'everyday to good' landscape condition is a fair summary.
120. Turning for comprehensiveness to the other factors in box 5.1, there is no strong cultural resonance or associative value to the site. There is presently no inherent recreational value to the site, other than insofar as it contributes to that which exists elsewhere. That is in contrast to other elements of the SLA which are instead characteristically criss-crossed by public rights of way. There is evidently some tranquillity by virtue of the site's current nature and use. However, as above that is qualified by various factors. There appears to be a stronger sense of tranquillity within the SLA to the north and south of the linear form of Gotherington as opposed to along Gretton Road and Malleson Road. The site is evidently not a wilderness.
121. Nearby residents understandably place considerable value upon the site as part of the landscape, along with outcome 14 of the AONBMP referring to health and wellbeing (which may of course be aided by the presence of nature and a natural outlook). However for the foregoing reasons the site does not possess demonstrable attributes out of the ordinary.

---

<sup>85</sup> Albeit that it is also stated, accurately but flatly, that 'it also acts as part of the setting to the east of Gotherington'.

*The effect of the development proposed*

122. Albeit reduced since the scheme in 2017, the proposal would inevitably result in some landscape harm; 45 homes and associated infrastructure would be significant, including in proportional terms to Gotherington. Three breaks in the roadside hedge would be created, amounting to a total of about 35 metres of loss. A large part of the site would become residential in character, diverging from its current appearance as part of a farm at the periphery of the Village.
123. I acknowledge that the scheme would not reflect the single line of development, contended by MLAG in particular to be typical at the fringes of Gotherington. The level of density proposed would exceed that at Manor Lane and the residential density in other locations around the Village. The site would also be arranged along a roughly north-west to south-east axis.
124. The scheme would inevitably be visible from within the AONB and in conjunction with views towards it. I accept that there are other vantage points than those in the LVA from where views of the site may be obtained of the site, or in relation to the site and the AONB. I also acknowledge that the representations of the site are hypothetical (albeit that there is no robust evidence indicating that they are anything other than a suitable basis for considering the scheme within the terms of their own methodologies).
125. Both proofs on behalf of the appellant and TBC in respect of landscape broadly agree that the scheme would have a particular effect in relation to the experience of walkers, sensitive receptors, proceeding downwards from Nottingham Hill and taking in the vista in that broad direction. That the scheme would bring additional residents to a place whereby the AONB might be appreciated is a somewhat incidental argument (which could be true of any development, however incongruous).
126. Although trite the scheme would, however, affect a small proportion of the SLA, of the setting of the AONB, the setting of Gotherington and the consistent landscape characterisation parcels of which it is part. Only 1.8 hectares would be 'developed', some 54% of the site area being given over to public open space and landscaping.<sup>86</sup> As set out above the scale of dwellings proposed would decline heading north-eastwards through the site as the SLA tapers between the AONB boundaries there.
127. In form, architecture and materials the dwellings proposed would not be discordant with neighbouring properties, or many properties elsewhere at Gotherington. The maximum height of properties would respect those of Privet Court (as could be secured via condition related to ground levels). Noting the reference in NPPF paragraph 124 to the efficient use of land, there is no compelling justification for emulating previous patterns of development in current circumstances.<sup>87</sup>
128. The pattern of development at Gotherington is also not without variety. Although to the north of Gretton Road properties tend to be arranged in single plot depth, that is not the case between Shutter Lane and Cleeve Road. 'The

---

<sup>86</sup> CD C.19, notwithstanding any categorisation of the associated pond, pumping station and LEAP.

<sup>87</sup> Also acknowledge via JCS policy SD10, criterion 6.

Lawns' also tracks behind Gretton Road. Manor Lane itself spurs off from Gretton Road southwards. As planting and landscaping matures, including at the bund proposed by the collection of buildings at Truman's Farm, the proposed dwellings would become more recessive (albeit they would inevitably not be occluded from view).

129. In terms of the morphology and historic development of the Village, the proposal would maintain the prevailing east-west form of the village overall. By retaining a significant proportion of the roadside hedge, by virtue of the scale of dwellings declining north-eastwards, and by dint of the on-site landscaping proposed, the proposal would not in my view unduly extend the built form of Gotherington. Instead there would be a reasonably comfortable transition to the rural environs of the Village.
130. TBC contend that the proposal would also cause harm to significant views identified in the Gotherington Neighbourhood Development Plan. GNDP policy GNDP10 sets out how special consideration should be given to certain locally significant views (albeit not to the exclusion of also considering 'other views from footpaths and publicly accessible places'). Eight significant views are identified in policy GNDP10, linking to GNDP figure 2. Viewpoints are in turn annotated on GNP figure 3. The nearest viewpoints are nos. 4-8. Those are referenced in GNDP figure 2 as comprising either 'views from Manor Lane' or 'view from Nottingham Hill' within the terms of policy GNDP10.
131. It appears, however that views from Manor Lane are to the west, across 'Goth-6' rather than in the direction of the appeal site. Logically there would be no interference with that view. More broadly buildings at Truman's Farm and the landscaping proposed between existing buildings there and the appeal site would substantially screen intervisibility. At GNDP figure 3, viewpoint 5 is indicated as taken from within the appeal site towards Gretton Road, albeit that appears referenced as the view from Nottingham Hill.
132. As reasoned above the scheme would inevitably be visible as viewed from Nottingham Hill and rights of way leading through the AONB there. However viewpoint 5 appears to be squarely towards Privet Court, such that the scheme would not appear obtrusive viewed in conjunction with it. Other viewpoints indicated, notably nos. 9 to 13, are at a significant distance from the appeal site, such that there would be no meaningful visibility of the scheme (if any at all).
133. Acknowledging that there would be an amalgamation of different effects given the relative sensitivity of receptors, as a fair summary reflecting on the value of the site, its susceptibility and sensitivity to change, the adverse landscape effects of the scheme would be moderate declining towards minor as planting matures. That weighting is arrived at through the lens of NPPF paragraph 176 and section 85(1) of the 2000 Act. Relative to the character of the Village and the built environment, any harm by virtue of the scheme would be limited.
134. As in *Monkhill*, there may be instances where effects in respect of landscape and scenic beauty may provide a clear reason for refusing development in line with NPPF paragraph 11.d)i. However that would not occur here for the above reasons.



## **Other matters**

135. In addition to comments regarding the issues above, I have taken careful account of all representations in respect of the proposal. Those representations include concerns over the potential implications of the scheme in respect of heritage, flooding, biodiversity, food security, global warming, the living conditions of nearby residents, traffic, utility provision, and the potential for the scheme to presage other development.

### *Heritage*

136. The site is some distance from grade II listed Truman's Farmhouse, about 35m. By virtue of reflecting the former agricultural context in which the listed building emerged, the site has a value to the surroundings in which it is experienced. However that contribution is slight; there are substantial agricultural buildings, of varying age, between the site and listed building. The wider context in which the Farmhouse is set would remain semi-rural (but equally partially residential). As set out above there is little historic value embodied in the site directly, archaeologically or associatively. Consequently, and subject to the bund and other landscaping proposed the proposal would have such limited effect so as to preserve the setting of the listed building, and no undue effect in terms of historic interest more broadly.<sup>88</sup>

### *Flooding*

137. Local residents have highlighted how flooding has occurred in this area previously. There is particular reference to flooding by the railway bridge off Manor Lane and around Sabrina Way, likely arising on account of the topography at the former and by virtue of blockages at the culvert beneath Gretton Road near the latter. However the site itself is within flood zone 1, i.e. at low probability of flooding. As also set out in the Flood Risk Assessment and Drainage strategy ('FRA'), there is some potential for flooding in extreme events focussed towards the north-east of the site (where site and watercourse capacity is exceeded, noting the limited capacity of the site in respect of infiltration drainage).

138. Nonetheless, subject to the approach in section 6.5 of the FRA, namely a piped system and attenuation and retention basin, there is nothing to indicate that the scheme could not suitably deal with adverse conditions (subject to adherence to associated drainage strategy plan 5143652-ATK-DR-D-003 Revision P 5). Development will, in any event, need to adhere to the relevant provisions of Building Regulations 2010 in respect of drainage and waste disposal.<sup>89</sup> My view in that respect accords with that of GCC as lead local flood authority, who summarise the effects of flood risk as 'minimal'.

### *Biodiversity*

139. As described in the EcIA, building upon previous studies, the ecological or biodiversity value of the site is reflected both within its flora and the fauna it supports (principally concentrated around boundaries). There is reference within the EcIA to the site being used by, or offering suitable habitat to, various species including, great crested newts, bats, birds, dormice, slow

---

<sup>88</sup> Cognisant of the duty on me under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

<sup>89</sup> Guidance in respect of which is currently provided via Approved Document H.

worms and hedgehogs. Local residents have drawn my attention in particular to birdlife and to pipistrelle bats here.

140. Section 40 of the Natural Environment and Rural Communities Act 2006 as amended places a duty on me in respect of the conservation and enhancement of biodiversity, notwithstanding that the 10% biodiversity net gain ('BNG') requirement envisaged by section 98 of the Environment Act 2021 has yet to be commenced. Similarly, in brief, JCS policy SD9 and NPPF paragraph 174 seek to protect and enhance biodiversity, both referencing the value of ecological networks.
141. The proposal would inevitably change the nature of the site, entailing the loss of some habitat and altering the value of the site to certain species. That said, for the most part, the ecological value of the site is limited reflecting the nature of improved grassland and tall ruderal growth.<sup>90</sup> The site is not designated on account of its ecological value and there is no meaningful inter-relationship with areas that are protected in that respect (albeit there are such areas in the wider area including the Dixton Wood Special Area of Conservation). I have noted above that the HA does not indicate that any hedgerows should be considered important in terms of heritage value with reference to the Hedgerow Regulations 1997 as amended.
142. Plan no. 2466\_P22 Revision B in the AIA shows that, aside from in respect of site accesses, all trees would be retained, thereby preserving the most ecologically significant features. Subject to landscaping and planting, whilst the proposal would inherently reduce the quantity of 'natural' land at the site, the EcIA also sets out that the scheme would deliver BNG of about 132.07% (with the overall quantity of hedgerow to be increased by about 29.41%). That, in my view, is significant. Such benefits would not otherwise arise, for example were the site to be maintained in agricultural use or more of the site were to be developed (as previously proposed).
143. There is nothing to indicate, subject to a sensitive landscaping scheme, that the LEAP, attenuation basin or pumping station would hinder the foregoing. Appropriate sensitive approaches to managing existing ecology during construction could be secured via appropriately worded conditions. I acknowledge that the BNG figure of 132.07% is theoretical, and may be affected by the behaviour of individuals or by predation associated with domestic animals. However that is nevertheless significant headroom above 10%, such that even were those factors to affect the future ecological value of the site there would remain a significant benefit.

#### *Food security*

144. The NPPF prospectus of 22 December 2022 refers to food security in a planning context, notwithstanding that NPPF paragraph 174. b) already sets out how planning should take account of the benefits of the best and most versatile agricultural land ('BMV'). It has also been argued that the scheme would potentially lead to 'farmland abandonment', by virtue of lessening the overall holding associated with Truman's Farm below a viable level. MLAG also presented concerns that the site is well within 300 metres of agricultural

---

<sup>90</sup> CD A.8, paragraph S.2.

buildings at Truman's Farm, contending that breaches a cordon sanitaire which should be maintained (to ensure the ability to hold livestock there).

145. The proposal would take some land out of productive agricultural use. However even if the site were BMV, the loss thereof would be modest (set against the totality of such land in TBC's administrative area and across the JCS authorities' areas). That some agricultural land will be lost to development is also inherent in the approach in the JCS and TBP. There is no robust evidence indicating that housing needs in the Borough or across the JCS can wholly be accommodated by virtue of the re-use of previously developed land; donor sites indicating to the contrary.
146. Whilst the scheme would reduce the agricultural land holdings at Truman's farm, there is no robust indication that would inherently sterilise other land from productive agricultural use. Many farms also operate across non-contiguous land. There is little evidence before me in respect of existing farming practices here, albeit hypothetically the site may lend itself to grazing, and the farm buildings may be capable of accommodating livestock.
147. The derivation of MLAG's suggested 300 metre cordon sanitaire is unclear, 400 metres instead applying in relation to permitted development rights enabling the erection, extension or alteration of an agricultural building. However permitted development rights relate to development that may be undertaken without specific planning permission, rather than establishing a cordon sanitaire as a rule.<sup>91</sup> In many instances, as is evidently the case here, dwellings and agricultural buildings are located unproblematically far closer to one another. Accepting agricultural activities are, moreover, the logical corollary of living at the periphery of many rural villages. Whilst there is therefore nothing substantive to indicate that the proposal would lead to farmland abandonment, undue constraints to existing or future farming practices, or reciprocally in terms of the living conditions of the occupants of the dwellings proposed, I nonetheless accord limited weight against the proposal by virtue of the loss of agricultural land (assessed as if BMV).

#### *Global warming*

148. MLAG contend that 'the building of an estate on this location would in itself constitute a loss of countryside for the sake of increased urban development; this at a time when governments around the world are trying to reverse the effects of global warming and the decline of many species. We believe this proposal is therefore contrary to Government policy.'<sup>92</sup> Whilst I acknowledge the sentiment behind that statement, it is the function of planning to marry up different interests in the use of the land in environmental, social and economic dimensions. No one objective of the development plan, nor of the NPPF, takes primacy over any other. To suggest, as that does, that development inherently conflicts with Government policy is incorrect.

#### *Living conditions of existing residents*

149. The proposal would affect views from properties along Manor Lane, and I have noted above how the scheme is relatively dense compared to development

---

<sup>91</sup> Notwithstanding that parallel provisions do not exist in respect of more recent permitted development rights for the conversion of agricultural buildings to other uses.

<sup>92</sup> CD C.10, paragraph 5.8.

elsewhere at Gotherington. In that context I acknowledge that the presence of the dwellings and residential activity here would affect the outlook and privacy from which certain properties along Manor Lane currently benefit (notwithstanding that construction would inevitably be temporary and could be managed sensitively via conditions). Living conditions are, in large part, dependent on perception.

150. Nonetheless, as set out in the officer report the minimum separation between properties along Manor Lane and the rear elevations of the dwellings proposed would be 25 metres. That is, in absolute and relative terms, a reasonable separation distance. In relative terms there are comparable separation distances between rear-facing elevations in other locations about the Village.<sup>93</sup> I acknowledge that there would be a closer inter-relationship with no. 44 Gretton Road towards the south-west of the site. However the rear elevation of that property instead faces south-east (towards the rear garden of no.1 Manor Lane). As noted in TBC's officer report, the nearest proposed dwelling at plot 1 would have only a single first floor window facing towards no. 44, serving an ensuite, which could be secured as obscured-glazed via condition.<sup>94</sup>
151. Subject to the foregoing condition, and more broadly subject to a suitably approach to retaining and augmenting boundary features in terms of landscaping, the proposal would not result in undue effects in respect of the living conditions of those nearby (in accordance with the relevant provisions of JCS policies SD4, SD14 and NPPF paragraph 130.f).

#### *Traffic*

152. Being historic in origin, neither Gretton Road nor Malleson Road were designed to accommodate the number of vehicle movements they now do. At the time of my site visit, and in the absence of parking restrictions, a number of drivers had parked along Gretton Road (effectively reducing the space available to motorists to single carriageway). Local residents have identified pinch points in the surrounding highway network where congestion occurs at times, notably at the junction of Malleson Road and the A435 and at junction 9 of the M5. I accept that traffic levels fluctuate, for example around school time or when events are being held at Prescott Hill.
153. The proposal would add to vehicular movements around the local highway network. Nevertheless the effects of 45 new dwellings would be limited relative to baseline conditions. The appellant's Transport Assessment sets out how the scheme would result in approximately 34 or 30 two way vehicular trips in the morning and afternoon peak, representing approximately one additional vehicle on the network every two minutes or so. There are no personal injury collisions recorded in the vicinity of the appeal site over the last 5 years, and appropriate visibility splays and access geometry would be achieved.<sup>95</sup> Albeit that an increase in potential traffic is inevitably unwelcome, the proposal would not result in undue effects in that respect.

---

<sup>93</sup> For example between Yew Tree Drive and Ashmead Drive and around Cinder Close and Brunel Drive.

<sup>94</sup> Drawing no. 046 Rev. A originally, 0.18 Rev. A subsequently.

<sup>95</sup> Noting that neither GCC nor National Highways object to the scheme.

### *Utilities provision*

154. Several residents have referred, more broadly than in respect of community cohesion, to utilities or service provision here being strained (citing electricity outages, low water pressure and limited connectivity in particular). That may be the case, nevertheless separate provisions exist by virtue of the Water Industries Act 1991 as amended and the Electricity Act 1989 as amended (including the obligation to facilitate connections). Albeit that connectivity, whether by virtue of broadband or wireless telecommunications, is practically provided by a plurality of organisations, the economic case for improved provision is aided by population increase.

### *The potential for further development*

155. Reflecting that the scheme before me has a long history, I am told originating as a scheme for 95 dwellings set out at a public exhibition in 2016, some have expressed concern that allowing the appeal has the potential to presage further development here (or more broadly). Whilst I understand that perspective, I have nonetheless assessed the scheme on its merits. Any other scheme would also be assessed on its merits at that juncture.

### *Housing provision*

156. As set out above, at best, there is a significant anticipated shortfall in housing delivery over the coming five years. That is relative to a needs figure established through LHN which has risen substantially since the approach in the JCS (even more so when considered relative to the 'demographically derived' needs figure referenced therein). In my view a shortfall is likely to persist for some time. Some degree of anticipated shortfall has evidently been present since the 2021 Inspector's decision, now approaching three years old.

157. The JCS remains unreviewed in line with REV1 or otherwise, ostensibly resulting in the bizarre situation referred to in paragraph 36 of this decision. Meaningful resolution is only likely to be made in line with significant progress reviewing the development plan in light of the foregoing, and given the presence of various protective designations across the JCS area. There is little clarity in that respect at present.

158. In my view it is of central importance to keep in mind that housing is occupied by people. Dealing with numbers sometimes obscures that. The lack of a sufficient forward pipeline of deliverable housing sites will inevitably mean that the housing needs of many people will not be met. The proposal would be significantly socially beneficial considered in that light. There would also be associated economic benefits in supporting employment during the construction and maintenance of dwellings. As observed above, future residents would also bring trade to nearby services facilities, and may themselves generate other opportunities and community vibrancy.

159. The proposal would also provide for 40% affordable housing as defined by the NPPF. The JCS itself was, as noted by the examining Inspector, a strategy which could not deliver sufficient affordable housing relative to needs within its own terms.<sup>96</sup> TBC do not dispute the affordable housing statistics contained within Cameron Austin-Fell's proof. That proof sets out how net affordable

---

<sup>96</sup> CD D.18, paragraph 51.

housing need in the Borough is around 345dpa, some 70% of the JCS annual requirement of 495dpa.

160. In the 2021-22 monitoring year the number of households eligible for affordable housing in Tewkesbury stood at 1,763, reflecting only a marginal reduction since 2017-18. Looking forward within the parameters of the JCS to 2031 and its housing trajectory, there is likely to be a significant accumulation of unmet affordable housing need in the region of 2,174 (albeit that affordable housing may come forward other than by virtue of representing a proportion of market-led housing).<sup>97</sup> Whilst it appears that median workplace based affordability ratios here have recently levelled out from a previously clear upwards trend, that neither reflects marked improving affordability nor, in the light of the foregoing, the likely start of a likely downwards trend.
161. There are, I accept, only limited needs for affordable housing arising at Gotherington specifically as opposed to elsewhere. Although that might in itself be a product of local demographics and the constraints of the housing market here, there are nonetheless significant and unabating needs for affordable housing in Tewkesbury (and also across the constituent authorities of the JCS). The benefits of the proposal directly, and by consequence of, housing delivery and affordable housing provision may therefore fairly be summarised as significant.

### **Planning balance**

162. NPPF paragraph 11.d) applies by virtue of the most important policies for determining the proposal being deemed out of date. At best forward housing supply in TBC's administrative area stands at 3.39 years, a significant shortfall. In this instance NPPF policies which 'protect areas of assets of particular importance' do not provide a clear reason for refusing the development proposed. Consequently NPPF paragraph 11.d)ii. applies, i.e. permission should be granted unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'.
163. As above, that finding neither alters the statutory basis for decision taking, nor do relevant provisions of the development plan cease to exist. Nevertheless I have reasoned that the proposal would be acceptable in terms of its location relative to the approach in the development plan and NPPF and would not, in that respect, undermine a plan-led system. I have also reasoned that the proposal would not unduly affect community cohesion.
164. As a matter of judgement, aggregated landscape effects would be moderate declining towards minor as planting matures, with any harm relative to the character of the Village being limited. Whilst relevant provisions of the development plan are consistent with the NPPF in that regard, the development plan must be considered as a whole (as must the NPPF). There would also be limited harm resulting from the loss of agricultural land. In all other respects the development proposed would be acceptable, or could be rendered so subject to conditions or obligations. However that the scheme would not result in undue effects in respect of other matters, as in relation to community cohesion, is effectively neutral in the overall balance.

---

<sup>97</sup> Cd C.18, table 11.3.

165. On the other hand, taking account of the extent of housing land supply shortfall and the likelihood of it persisting, I accord significant weight to the benefits of the scheme in terms of housing provision, affordable housing, and associated economic benefits. The proposal would also entail significant BNG. The adverse impacts of granting permission would therefore not significantly and demonstrably outweigh the benefits assessed through the lens of NPPF paragraph 11.d)ii. With reference to the statutory basis for decision-taking, other material considerations therefore justify allowing the appeal.

### **Conclusion**

166. For the reasons given above, having taken account of the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below and the obligations contained in the planning agreements under section 106 of the 1990 Act.

### **Conditions**

167. In addition to requiring commencement within the relevant statutory period via condition 1, for clarity and so as to ensure that the proposal is implemented as assessed above, I have imposed condition 2 requiring adherence to the relevant supporting plans (as necessarily modified by consequence of discharging other conditions or the obligations contained in the planning agreement with TBC). For similar reasons conditions 3-7 are also necessary, following my reasoning in paragraphs 126 to 129 above (and, notwithstanding the AIA, pursuant to the duty on me in respect of trees under section 197 of the 1990 Act in respect of conditions 6 and 7).

168. Albeit that the planning agreement with TBC makes detailed provision in respect of the LEAP and there are indications before me as to the design, the foregoing is a bilateral arrangement between the appellant and TBC (outwith the relevant provisions of the Town and Country Planning (Development Management Procedure) (England) Order 2015 as amended, the 'DMPO', applicable to applications under section 73 of the 1990 Act). Accordingly condition 8 requiring agreed details in that respect is also necessary, including to ensure that the LEAP integrates suitably with its surroundings.

169. As above, and pursuant to section 41 of the Natural Environment and Rural Communities Act 2006 as amended, conditions 9, 10 and 11 are necessary. Condition 11 is also, in part, justified pursuant to my reasoning in paragraph 108 above (namely to ensure any adverse effects of illumination relative to prevailing character are minimised).

170. Notwithstanding drainage plan 5143652-ATK-DR-D-003 P5 and the relevant provisions of the Building Regulations 2010 as amended, to secure compliance with the final bullet of TBP policy ENV2, condition 12 is also necessary. To minimise waste and ensure efficient use of resources in line with policy WCS2 of the Gloucestershire Waste Core Strategy (adopted November 2012) and policy SR01 of the Minerals Local Plan for Gloucestershire (adopted March 2020) I have imposed condition 13. Condition 14 is also necessary to ensure compliance with policy WCS2 in respect of residential use in addition to construction.

171. Conditions 15 and 16 are necessary in respect of the living conditions of those nearby, including with reference to NPPF 130. f). Pursuant to my reasoning above, condition 17 is also necessary to safeguard the privacy of the occupants of neighbouring no. 44. Similarly, and also to ensure that the site provides suitable provision for future occupants including in relation to accessibility, highway safety and accessibility, I have imposed condition 18.
172. Paragraph 1.3 of the Government's Statutory Guidance related to Part 2A of the Environmental Protection Act 1990 as amended sets out that the starting point should be that land is not contaminated land unless there is a reason to consider otherwise. Given the agricultural history to the site the propensity for contamination to be present is likely relatively low, albeit not inherently absent.<sup>98</sup> Therefore as a precautionary approach to addressing contamination unexpectedly encountered, I have imposed condition 19.
173. Seven conditions are pre-commencement.<sup>99</sup> They are necessary as undertaking any development has the potential to affect topography, trees, the existing nature of the site in respect of landscaping and ecology, the living conditions of those nearby, and to have implications in terms of waste generation and disposal.
174. It is unnecessary to impose conditions related to a noise assessment associated with the GWR and requiring that a welcome pack to new residents be provided. Noise, or more accurately sound, generated by the GWR is intermittent. Stood by the line as a train passed, any noise in that respect is not particularly intrusive. People make an informed choice about where to live. Many may see the proximity of the GWR as appealing. A welcome pack, ostensibly advanced as a means of fostering inclusivity, is not necessary to make the development acceptable in planning terms (however well intentioned).
175. In imposing conditions I have had regard to the NPPF, the PPG and statute. In that context I have amended the wording of certain conditions put to me, and amalgamated some also, to ensure that all are appropriate without altering their fundamental aims.

*Tom Bristow*

INSPECTOR

---

<sup>98</sup> PPG Reference ID: 33-003-20190722.

<sup>99</sup> Nos. 3, 6, 7, 9, 10, 13 and 14.



## **SCHEDULE 1, CONDITIONS**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule 2 to this decision (except as necessarily modified pursuant to discharging other conditions in this schedule or obligations contained within the associated planning agreement dated 26 June 2023 under section 106 of the Town and Country Planning Act 1990 as amended).
- 3) Notwithstanding condition 2, no development hereby permitted shall take place until details of site and development levels have been submitted to, and agreed in writing by, the local planning authority. Details shall include the existing levels on site and adjoining land, finished ground levels and ridge heights. The development shall accord with the agreed details.
- 4) Before their use as part of the development hereby permitted, samples or details, or both, of all external building, boundary treatment and surfacing materials to be used shall have been submitted to, and agreed in writing by, the local planning authority. The development shall accord with the agreed samples and details.
- 5) Before any construction works specifically and solely related to the attenuation pond and pumping station as shown on approved plan DLA.2016.L.06.P11 are undertaken, a drainage strategy shall have been submitted to, and agreed in writing by, the local planning authority. The drainage strategy shall include details of any associated engineering works, levels, design, geometry, materials, boundary treatments and a programme of implementation and planting in respect of those elements of the development hereby permitted. The development shall accord with the agreed details.
- 6) No development hereby permitted, including any site preparation, shall be undertaken until a scheme for the protection of relevant trees and hedgerows has been submitted to, and agreed in writing by, the local planning authority. That scheme shall include a tree protection plan or plans, an arboricultural method statement, and shall accord with the guidance in British Standard 5837: 2012, Trees in relation to demolition and construction (or successor document). The development shall be undertaken in accordance with the agreed scheme.
- 7) No dwelling hereby permitted shall be occupied until a landscaping scheme encompassing both hard and soft landscaping has been submitted to, and agreed in writing by, the local planning authority. The landscaping scheme shall be in broad accordance with approved plan no. DLA 2016.L.06.P11, and shall include, by way of annotated plans or otherwise, details of:
  - i.all existing trees and hedges on the application site (including in respect of the accurate position, canopy spread and species of each tree and hedge, and any proposals for felling or pruning and any proposed changes

within the ground level, or other works intended to be carried out, within the relevant canopy spread),

ii.the layout of proposed trees, hedges, shrubs and grassed areas,

iii.a schedule of proposed planting (indicating species, sizes at time of planting and numbers or densities of plants),

iv.a written specification outlining cultivation and other operations associated with planting,

v.the treatment of pedestrian links to the site,

vi.a programme for undertaking landscaping, and

vii.a schedule of landscaping maintenance for a minimum period of five years from first installation.

All planting, seeding and turfing shall be carried out in line with the agreed details in the first planting season following the first occupation of any dwelling hereby permitted. Any planting, seeding or turfing carried out shall be maintained in accordance with the agreed schedule of maintenance. Any trees or plants which, within a period of five years from the carrying out of landscaping pursuant to this condition, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 8) Notwithstanding condition 2, before the construction of the Local Equipped Area for Play ('LEAP'), details thereof shall have been submitted to, and agreed in writing by, the local planning authority. Details shall include levels, materials, surface materials, boundary treatments and a programme of implementation. The development shall accord with the agreed details.
- 9) No development hereby permitted shall take place until a Construction and Environmental Management Plan ('CEMP') has been submitted to, and agreed in writing by, the local planning authority. The CEMP shall accord with, and expand upon where necessary, the measures outlined in the associated Ecological Impact Assessment and BNG report of 27 May 2022, the Outline Dormouse Mitigation Strategy of 13 August 2021, the Outline Great Crested Newt Mitigation Strategy of August 2021, and shall include detailed method statements in order to avoid impacts to retained habitat of importance, namely hedgerows and trees, and protected and priority fauna. The agreed CEMP shall be adhered to throughout construction.
- 10) No development hereby permitted shall take place until a Landscape and Ecological Management Plan ('LEMP') has been submitted to, and approved in writing by, the local planning authority. The LEMP shall accord, and expand upon where necessary, the measures outlined in the associated Ecological Impact Assessment and BNG report of 27 May 2022, the Outline Dormouse Mitigation Strategy of 13 August 2021, and shall demonstrate that the habitat net gains and hedgerow net gains set out in paragraph S.6 of the Ecological Impact Assessment and BNG report of 27 May 2022 will be

achieved. The agreed LEMP shall be implemented, adhered to, and maintained in accordance with the approved details.

- 11) No dwelling hereby permitted shall be occupied until a lighting design strategy ('LDS') has been submitted to, and agreed in writing by, the local planning authority. The LDS shall accord with, and expand upon where necessary, the measures outlined in the associated Ecological Impact Assessment and BNG report of 27 May 2022, and shall include details of:

- i. sensitive areas,
- ii. dark corridors to be safeguarded,
- iii. the design or specification of external lighting including shields, cowls or blinds where appropriate,
- iv. a description of the luminosity and warmth of lights including a lux contour map
- v. the location and elevation of light fixings, and
- vi. methods to control lighting such as timer operation or passive infrared sensors.

The agreed LDS shall be implemented, adhered to, and maintained in accordance with the agreed details.

- 12) No dwelling hereby permitted shall be occupied until a drainage scheme for the disposal of foul water flows for the site has been submitted to, agreed in writing by the local planning authority, and implemented as agreed.

- 13) No development hereby permitted shall take place until a site waste management plan ('SWMP') has been submitted to, and agreed in writing by, the local planning authority. The SWMP shall include details of:

- i. the types and amount of waste materials forecast to be generated from the development during site preparation and construction,
- ii. the specific measures to be employed for dealing with the aforementioned materials so as to minimise their creation, maximise the amount of re-use and recycling on-site, maximise the amount of off-site recycling of any wastes that are unusable on-site and minimise the overall amount of waste sent to landfill, and
- iii. the proposed proportions of recycled content that will be used in construction materials.

The agreed SWMP shall be adhered to throughout construction.

- 14) No dwelling hereby permitted shall be occupied until a waste management scheme ('WMS') has been submitted to, and agreed in writing by, the local planning authority. The WMS shall include details of appropriate and

adequate space and infrastructure to allow for the separate storage of non-recyclable and recyclable waste materials. The agreed WMS shall be implemented before any dwelling hereby permitted is first occupied, including on a phase basis aligned with occupancy as necessary. Once implemented the agreed WMS shall thereafter be maintained.

- 15) No development hereby permitted shall take place until a Construction Management Plan ('CMP') has been submitted to, and agreed in writing by, the local planning authority. The CMP shall include details of:
- i. site access and egress (including any which are temporary),
  - ii. staff and contractor facilities and anticipated travel arrangements and advisory routes,
  - iii. measures to mitigate dust, noise, vibration and illumination (including in respect of any piling, power floating, machinery operation and vehicle reversing),
  - iv. measures to control any leaks or spillages, and for managing silt and any pollutants,
  - v. measures for the disposal and recycling of waste,
  - vi. locations for loading, unloading, and storing plant, waste and construction materials,
  - vii. measures to prevent mud and dust from being carried onto the highway,
  - viii. arrangements for vehicle turning,
  - ix. arrangement to receive abnormal loads or unusually large vehicles,
  - x. a highway condition survey, and
  - xi. methods of communicating the CMP to staff, visitors and neighbouring residents and businesses.

The agreed CMP shall be adhered to throughout construction.

- 16) No works related to the development hereby permitted, including operation of machinery, groundworks, construction and deliveries shall take place outside of the following hours: 08:00 to 18:00 Mondays to Fridays inclusive, 08:00 to 13:00 on Saturdays. No works related to the development hereby permitted shall take place at any time on Sundays or on Bank or Public Holidays.
- 17) Notwithstanding condition 2, before the dwelling hereby permitted at plot 1 is occupied, the first floor south-west facing window shown on approved plans GOCR-PL-018 Rev. A and GoGR-PL-019 Rev. A shall be installed as obscure glazed and shall be non-openable to a height of 1.7 metres above internal finished floor level. Once installed as such the foregoing window shall thereafter be maintained as such.

- 18) No dwelling hereby permitted shall be occupied until the following have been implemented and made available for use in accordance with the agreed plans, as agreed pursuant to other conditions in this schedule, or as previously submitted to and agreed in writing by the local planning authority: means of access for vehicles pedestrians and cyclists, and secure bicycle storage. Once implemented as agreed the foregoing shall thereafter be maintained only for their intended purposes.
- 19) If, during the course of undertaking the development hereby permitted, any unforeseen contamination is encountered, measures for remediation shall be submitted to, and agreed in writing by, the local planning authority before development affecting the relevant part of the site proceeds. Development shall be undertaken in accordance with any agreed remediation measures.

### **SCHEDULE 2, APPROVED PLANS**

- |         |  |
|---------|--|
| i.      | DLA 2016.L.06.P11 - LANDSCAPE MASTERPLAN               |
| ii.     | GOGR-PL-001 C -SITE LOCATION PLAN                      |
| iii.    | GOGR-PL-002 F - PLANNING LAYOUT                        |
| iv.     | GOGR-PL-003 A - MATERIALS PLAN                         |
| v.      | GOGR-PL-004 A -BOUNDARIES PLAN                         |
| vi.     | GOGR-PL-005 B -AFFORDABLE HOUSING                      |
| vii.    | GOGR-PL-006.0C -ACCOMMODATION SCHEDULE                 |
| viii.   | GOGR-PL-006.1A - AFFORDABLE HOUSING SCHEDULE           |
| ix.     | GOGR-PL-007 D - STOREY HEIGHTS PLAN                    |
| x.      | GOGR-PL-009 B -PARKING PLAN & SCHEDULE                 |
| xi.     | GOGR-PL-011 D - WASTE COLLECTION PLAN                  |
| xii.    | GOGR-PL-012 D - PROPOSED AREAS FOR MANAGED MAINTENANCE |
| xiii.   | GOGR-PL-001 A DOUBLE GARAGE PLAN AND ELEVATIONS        |
| xiv.    | GOGR-PL-002 A TWIN GARAGE PLANS AND ELEVATIONS         |
| xv.     | GOGR-PL-003 A SINGLE GARAGE PLANS AND ELEVATIONS       |
| xvi.    | GOGR-PL-004 - POPLAR FLOOR PLANS                       |
| xvii.   | GOGR-PL-005 - POPLAR ELEVATIONS                        |
| xviii.  | GOGR-PL-006 - CLEMATIS FLOOR PLANS                     |
| xix.    | GOGR-PL-007 - CLEMATIS ELEVATIONS                      |
| xx.     | GOGR-PL-008 - LIME FLOOR PLANS                         |
| xxi.    | GOGR-PL-009 - LIME ELEVATIONS                          |
| xxii.   | GOGR-PL-010 - ROWAN FLOOR PLANS                        |
| xxiii.  | GOGR-PL-011 - ROWAN ELEVATIONS                         |
| xxiv.   | GOGR-PL-012 - CAMELLIA FLOOR PLANS                     |
| xxv.    | GOGR-PL-013 - CAMELLIA ELEVATIONS                      |
| xxvi.   | GOGR-PL-014 A - BEECH FLOOR PLANS                      |
| xxvii.  | GOGR-PL-015 A - BEECH ELEVATIONS                       |
| xxviii. | GOGR-PL-016 - CEDAR FLOOR PLANS                        |
| xxix.   | GOGR-PL-017 - CEDAR ELEVATIONS                         |
| xxx.    | GOGR-PL-018 A - WALNUT FLOOR PLANS                     |
| xxxi.   | GOGR-PL-019 A - WALNUT ELEVATIONS                      |
| xxxii.  | GOGR-PL-020 A - SYCAMORE FLOOR PLANS                   |
| xxxiii. | GOGR-PL-021 A - SYCAMORE ELEVATIONS                    |
| xxxiv.  | GOGR-PL-022 A - 1B2P FLOOR PLANS                       |
| xxxv.   | GOGR-PL-023 A - 1B2P ELEVATIONS                        |

xxxvi.	GOCR-PL-024	A - 1B2P BUNGALOW M4(3) FLOOR PLANS
xxxvii.	GOCR-PL-025	A - 1B2P BUNGALOW M4(3) ELEVATIONS
xxxviii.	GOCR-PL-026	- 2B4P BUNGALOW M4(3) FLOOR PLANS
xxxix.	GOCR-PL-027	- 2B4P BUNGALOW M4(3) ELEVATIONS
xl.	GOCR-PL-028	A - 2B4P M4(2) FLOOR PLANS
xli.	GOCR-PL-029	A - 2B4P M4(2) ELEVATIONS
xlii.	GOCR-PL-026	A - 2B4P M4(2) ELEVATIONS
xliii.	GOCR-PL-031	A - 3B5P M4(2) FLOOR PLANS
xliv.	GOCR-PL-032	A - 3B5P M4(2) ELEVATIONS
xlv.	GOCR-PL-033	- 4B7P M4(2) FLOOR PLANS
xlvi.	GOCR-PL-034	- 4B7P M4(2) ELEVATIONS
xlvii.	GOCR-PL-009	- STREET SCENES
xlviii.	5143652-ATK-DR-D-003 P5	- PROPOSED SURFACE WATER DRAINAGE STRATEGY
xlix.	FIGURE 3 OF TRANSPORT STATEMENT DATED MAY 2022	- PROPOSED SITE ACCESSES AND PEDESTRIAN CONNECTION

### SCHEDULE 3, APPEARANCES

#### FOR THE APPELLANT:

Peter Goatley KC	No5 Barristers' Chambers
Nathan McLoughlin	McLoughlin Planning
Michael Davies	Davies Landscape Architects
Cameron Austin-Fell	RPS group
David Tingay	Key Transport Consultants Ltd.
Rachel Chatting	Tyler Grange Group Ltd.
Harry Du Bois-Jones	Tyler Grange Group Ltd.

#### FOR THE LOCAL PLANNING AUTHORITY:

Robin Green	Cornerstone Barristers
Paul Instone	Applied Town Planning Ltd.
Stuart Ryder	Ryder Landscape Consultants Ltd.
Jeremy Butterworth	J Butterworth Planning Ltd.
Stephen Chandler	Gloucestershire County Council

--	--

'RULE 6' PARTIES:

Eddie McLarnon	On behalf of Gotherington Parish Council
Christine White	On behalf of the Manor Lane Action Group

THIRD/ INTERESTED PARTIES:

Nicola Wilson	Local resident
Marianne Andrews	Local resident
Sarah Barsby-Finch	Local resident
Michael Stevens	Local resident