



Dumbleton Parish Council response to planning application 22/00009/FUL – Development of 8 affordable dwellings behind Golden Hay, Dumbleton

1.0 Introduction

Dumbleton Parish Council is a consultee on all planning applications within the parish that incorporates the villages of Dumbleton, Great Washbourne and Wormington.

The Council notes that this application cites the Gloucestershire Rural Community Council (GRCC) Housing Needs Survey 2019 (HNS 2019) as the source for the identified housing need the application purports to fulfil. The Council makes the following observations prior to commenting on the application:

- In October 2019, GRCC delivered a Housing Needs Survey questionnaire to 270 dwellings in the parish (three villages).
- 66 completed questionnaires were received by GRCC – around 24% of those sent. GRCC noted the average response to such a survey ranges between 10% and 55%
- The survey was sent to the Council and it was discussed at a full Council meeting in January 2020. It was noted that the first edition of the report contained numerous errors and the Council would seek correction and clarification of these
- Over the course of the next few months, the Council worked with the author of the report to have these errors corrected. Revision 5 of the documents was the final version received by the Council on 20 October 2020
- Revision 5 showed most of the errors corrected but still drew, in the opinion of the Council, some erroneous conclusions from the data.
- Items that the Council still seeks clarification on include:
 - The breakdown of data between villages (GRCC has advised this is not possible, but the Council believes it is required to properly assess housing needs)
 - How one respondent who notes they are not resident in the parish was able to respond and be included in the survey (one of the respondents identified as having a housing need)
 - Why is “Connection to Dumbleton” listed in the data when it should be “Connection to Dumbleton Parish”
 - Why a public house outside of the parish (on the B4077) is listed among the parish facilities
 - What effect the Covid-19 pandemic will have had
 - What effect the change of ownership of approx. 18 dwellings in the parish between January 2020 and January 2022 will have had on the data
- During the period when the Council was working with GRCC on corrections, the Council received a request, on 4 September 2020, from DB Land and Planning Consultancy (DB Land) to meet with the Council. DB Land noted that GRCC’s HNS 2019 showed a clear need for affordable housing in the village (**not the parish**) and that it had identified a suitable plot of land – the land currently proposed for development under this planning application.
- The Council replied noting that it is, under regulations, unable to discuss planning development that is not part of a validated planning application and also, considering the ongoing editing of the HNS, felt it was inappropriate to meet (notwithstanding the regulations). The Council did not receive a response.
- On 17 November 2021, the Council voted to implement a Neighbourhood Plan following consultation with the parish. The Council informed Neighbourhood Planning at Tewkesbury Borough Council of this decision and of the proposed neighbourhood area.



2.0 Dumbleton Parish Council Response

Dumbleton Parish Council **objects** in the strongest possible terms to this application with the reasons supporting this objection outlined below.

3.0 Supporting the Council's Objection

3.1 Failure of the application to meet validation and pre-application requirements

In the *Landscape and Visual Appraisal 3-1016857* that forms part of the application, a response from Tewkesbury Borough Council to pre-application **20/00013/PRE** (received by Tewkesbury Borough Council on 30 January 2020) is shown.

Tewkesbury Borough Council's response to this pre-application for a proposal of 16 dwellings (8 affordable and 8 open market) from 10 June 2020 noted the following:

Archaeology

The County Archaeologist has advised that the locality is known to contain extensive archaeological remains relating to settlement and activity of the prehistoric, Roman and medieval periods. It is considered that there is high potential for significant archaeological deposits to be present at the site, but masked from view by the agricultural soils which currently cover the land and there are significant concerns that ground works and intrusions required for the proposed development may have an adverse impact on significant archaeological remains.

Therefore, in accordance with the NPPF, paragraph 189, and in advance of the determination of any planning application made for this development the applicant will be required to provide the results of a programme of archaeological assessment and field evaluation, which describes the significance of any archaeological remains within the proposed development area, and how these would be affected by the proposed development.

As to the scope of the investigation of archaeological issues arising in connection with this scheme the county archaeologist recommends:

- *An initial desk-based assessment, to review the available information relating to the archaeology of the proposed development site and its locality.*
- *Detailed geophysical survey of the whole of the proposed development site*
- *Trial-trenching, which should investigate a minimum of 2% of the area of the proposed development site, targeting any anomalies located during the geophysical work and also areas where no geophysical responses were obtained. A contingency to investigate an additional 2% of the area should also be allowed for, so as to make provision for resolving any uncertainties arising during the initial stages of trenching.*
- *The report on the trial-trenching should include an assessment of the significance of any archaeological remains present within proposed development area, and should also include outline proposals for mitigation of any development impact.*

Prior to undertaking any works it is recommend that your archaeologist should agree project specifications with the County Council's Archaeology Service for each phase of the programme in advance of commencement.

The current application is not supported by any investigation of the archaeological issues including those as required by Tewkesbury Borough Council in the above statement.



In the above noted response from Tewkesbury Borough Council on 10 June 2020, there is a specific list of *Information required to support a Planning Application*

This application does not include (and may not be limited to) the following items from this list:

- Archaeological evaluation (trial trenching)
- Foul Sewage assessment
- Lighting Assessment
- Energy Statement

This application fails to fulfil the validation requirements as outlined by Tewkesbury Borough Council and those specifically highlighted to the applicant in 2020.

The *Design and Access Statement* and *Planning Statement* that form part of this application both reference GRCC's Housing Needs Survey November 2019 (HNS 2019).

It is referred to in *Section 2.0* of the *Design and Access Statement* (with a concerning number of inaccuracies – see section 3.8 below) and in *sections 1.3, 3.1, 5.42, 5.7 and 5.8* of the *Planning Statement*.

Tewkesbury Borough Local Plan 2011-2031 – Pre-Submission version 2019, **Policy RES6 Rural Exception Sites**, states:

2. **All applications must be accompanied by an up to date housing needs survey for the locality** which demonstrates there is an unmet need within that locality for accommodation by households whose needs are not met by the local housing market due to affordability (local incomes or house prices) or specific housing requirements such as older age or disability.
[Emphasis added]

This application is not accompanied by any housing needs survey and thus, fails to meet this requirement.

Tewkesbury Borough Local Plan 2011-2031 – Pre-Submission version 2019, **Policy RES4 New housing at other rural settlements**, states:

- 3.32. For the purpose of Policy RES4 and the application of Policy SD10 of the JCS, the Council will consider the built up area of the settlement to be its continuous built form as it existed at the start of the plan period and excluding:
 - b) gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where land relates more to the surrounding countryside than to the built up area of the settlement;

This proposed location in this application is a paddock and the site is not in the built-up area and thus, should be excluded from development

This application fails to meet at least four of Tewkesbury Borough Council's validation requirements, including one specifically highlighted in the pre-application response.

It fails to meet at least one of Tewkesbury Borough Local Plan 2011-2031 policies and a further policy notes that the proposed location should be excluded from development. On this basis, the application should be refused.



3.2 Housing need asserted by the application is not proven

This application cites GRCC's HNS 2019 as proof of an identified housing need within Dumbleton village (*Design and Access Statement, Section 2.0; Planning Statement, sections 1.3, 3.1, 5.42, 5.7 and 5.8*).

As noted in the Introduction, Dumbleton Parish Council worked with GRCC from December 2019 to October 2020 to correct errors in the originally published HNS 2019.

In the final published version of the HNS 2019 (October 2020), the report provides the following data:

Section 7 – Existing Affordable Housing Stock

- Current affordable housing stock in Dumbleton parish (as at November 2019)
- 5 dwellings (4 bungalows and 1 house)
- 3 of the bungalows have been re-let in the last 3 years

Section 5 – Key Findings

Section 5.6, Table C1

*Two respondents – **both of whom currently rent in Dumbleton parish** – expressed a preference for affordable rented housing in Dumbleton parish*

Section 5.8, Table C2

*Three respondents – **two of whom currently live in Dumbleton parish** – expressed a preference for affordable home ownership in Dumbleton parish*

Analysing this data shows that within Dumbleton parish – **as distinct from Dumbleton village** – there are five respondents who expressed a preference to live in the parish. Of these five, **only one does not currently already live in the parish**.

This is contrary to the assertion in the applicant's Design and Access Statement that notes:

The survey has identified a need for 2 Affordable Rented, 6 Shared Ownership

The existing affordable housing stock of five dwellings also showed, according to the HNS 2019, regular availability of affordable housing (three being re-let in three years).

Based on the data in the HNS 2019, this application fails to meet the requirements of the Tewkesbury Borough Local Plan 2011-2031 – Pre-Submission version 2019, **Policy RES6 Rural Exception Sites**, as follows:

1. *Proposals for affordable housing development on rural exception sites within, or on the edge of, a rural settlement will be permitted provided that:*
 - a. *there is a **proven local housing need** which cannot be met in any other way;*
[Emphasis added]

and

4. ***Under no circumstances will schemes be permitted where the number of affordable units exceeds the need identified in the Housing Needs Survey.*** *[Emphasis added]*

This application is not supported by the data from the HNS 2019. There is no proof of housing need on the scale asserted by the applicant. It fails to meet two tenets of Policy RES6 including the number of affordable units exceeding the need identified. On this basis, the application should be refused.



3.3 Failure to meet and follow policies of national and local plans

This application fails to meet the necessary requirements of policies of several plans that inform all planning assessments in Tewkesbury Borough, the Cotswold AONB and the Dumbleton Conservation Area.

Examples of these failures include (but are not limited to):

3.3.1 Gloucester, Cheltenham and Tewkesbury Join Core Strategy 2011-2031 (JCS)

Policy SD4: Design Requirements

The proposed development does not *“respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form”*

The development does not *“integrate with existing development, and prioritise movement by sustainable transport modes, both through the application of legible connections to the wider movement network”*. The village’s Accessibility score (see 3.5 below) of 0 out of 15 indicates that it is impossible to utilise sustainable transport.

Policy SD6: Landscape

This application does not *“demonstrate how the development will protect or enhance landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement or area”*

Policy SD7: The Cotswolds Area of Outstanding Natural Beauty (AONB)

“All development proposals in or within the setting of the Cotswolds AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities. Proposals will be required to be consistent with the policies set out in the Cotswolds AONB Management Plan.”

This application does not conserve or enhance the landscape of the AONB that the proposed location falls within.

Policy SD8: Historic Environment

“Development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment;”

The design and layout of the proposed development shows no regard to the local character or the distinctive elements of the historic environment of Dumbleton.

Policy SD9: Biodiversity and Geodiversity

While the Ecology Survey that accompanies this application is relatively robust, there are aspects of concern with it (see 3.3.2 Policy NAT1 below). The Council does not believe that the proposed development can demonstrate a net biodiversity gain.

As SD9 notes *“Harm to the biodiversity or geodiversity of an undesignated site or asset should be avoided where possible. Where there is a risk of harm as a consequence of development, this should be mitigated by integrating enhancements into the scheme that are appropriate to the location and satisfactory to the Local Planning Authority. If harm cannot be mitigated on-site then, exceptionally, compensatory enhancements off-site may be acceptable.”*

No such enhancements on or off site are shown in the application and thus, there is no mitigation of the harm brought by this proposed development.



Policy SD10: Residential Development

- 4.10.5 *Outside cities, towns, rural service centres and service villages, there are generally insufficient facilities to support development and so they are not considered sustainable locations for residential development. Hence, new residential development is not considered appropriate unless specific exceptions are made within JCS, district or neighbourhood plan policies*

Dumbleton has an Accessibility Score of 0 out of 15 and a Total Services and Accessibility Score of 8 out of 48 (*EB011e - 2017 JCS Settlement Audit Refresh (as amended via January 2020 addendum)*). It is clearly inappropriate for this proposed development under SD10.

The Council also notes that it a Neighbourhood Plan is being implemented for the parish that will also inform this policy area.

Policy SD12: Affordable Housing

The application cites the HNS 2019 as the basis for the housing need. As demonstrated in section 3.2 *Housing need asserted by the application is not proven*, this citation is inaccurate and there is no proven housing need within the village (the survey being parish wide). There is no *“clear evidence of a local housing need that cannot be met elsewhere”*.

Policy SD14: Health and Environmental Quality

New development must: Avoid any adverse impact from artificial light on intrinsically dark landscapes.

As there is no lighting assessment included as part of this application, there can be no determination of the impact of eight new dwellings on an existing dark landscape used by many night-feeding species.

It is also to be noted that a lighting assessment is **required** for the application to be validated.

Policy INF1: Transport Network

1. *Developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. All proposals should ensure that:

iii. All opportunities are identified and taken, where appropriate, to extend and / or modify existing walking, cycling and public transport networks and links, to ensure that **credible travel choices are provided by sustainable modes**. [Emphasis added]*
2. *Planning permission will be granted only where the impact of development is not considered to be severe.*

Dumbleton scores 0 out of 15 for Accessibility (*Joint Core Strategy's EB011e – 2017 JCS Settlement Audit Refresh (as amended via January 2020 addendum)*).

It has a limited public transport network consisting of two bus services that operate once a day on Monday, Thursday and Friday. One service terminates at Tesco superstore, Bishop's Cleeve and allows less than one and half hours at the location before returning (Mondays and Fridays only). The second service terminates at Cheltenham and allows users approximately 2hrs 45 mins at the destination (Thursdays only).

Neither service is suitable for access to employment areas given the outbound and inbound schedule.

There is no other public transport available in the village.

Access to employment, retail, medical and other services has to be undertaken by private vehicle, the majority of which are privately owned cars. The nearest licensed taxi service is in Broadway, some seven miles away. Due to the distances involved, licensed taxi services charge a premium for picking up from the village approximately doubling the cost of any journey.



The proposed development will bring increased private vehicle usage in the village. There are already issues with the volume of traffic using the village roads with the quality of the highway surface deteriorating in many locations.

Parking is a significant issue with many driveways and junctions blocked or compromised by parked cars. Some roads, including Main Street leading to the proposed location, are too narrow to allow passing.

The application fails to adequately account for the increased volume of traffic, suggesting it will be minimal when it is the only way to access services not located in the village. It also fails to account for the volume of agricultural traffic, all of it HGV related, that uses the village roads throughout the year.

The application fails to ensure that credible travel choices are provided by sustainable modes. The impact of additional traffic will also be severe in a small village that already has challenges with high volumes of traffic and should be refused on this basis.

Policy INF4: Social and Community Infrastructure

“Proposals to develop land or buildings currently or previously in use as a community facility will demonstrate, including evidence of engagement with relevant local community groups and partner organisations, why the facility is no longer required and, as appropriate, how, when and where suitable local replacement facilities will be provided. Provision of replacement facilities will have regard to the locational and other relevant elements of this policy”

The applicant has not shown real evidence of engagement with the local community. It contacted Dumbleton Parish Council in September 2020. The Council responded that it could not discuss proposals based around the HNS 2019 while the report was still undergoing editing and was yet to be published in its final version. The applicant has, since that time, had ample opportunity to set up its own public meetings or engage with the local community by direct marketing but has not done so. While the Covid-19 pandemic limited opportunities for face-to-face engagement, there are many other ways the applicant could have engaged.

The current owner of the land for the proposed development has, for many years, very generously provided access to the land to the community for recreational activity, including walking and dog-walking, and use of the land by the nearby Village Club. The Parish Council wishes to express its thanks to the owner for this kind access.

This access has been particularly beneficial during the recent periods of lockdown in the Covid-19 pandemic and has contributed to the health and well-being, particularly the mental health, of the local community. The applicant has provided no details for a suitable replacement of this valuable facility that will be lost because of the proposed development.

The application fails to meet the requirements of many of the policies of the Joint Core Strategy and should be refused as a result.



3.3.2 Tewkesbury Borough Local Plan 2011-2031 – Pre-Submission version 2019

Policy RES4 New housing at other rural settlements

As noted in section 3.1 above, the proposed location in this application is a paddock and the site is not in the built-up area and thus, should be excluded from development as per RES4 3.32 b

Policy RES4 New housing at other rural settlements

c) it complements the form of the settlement and is well related to existing buildings within the settlement;

The proposed development does relate to the existing buildings in its vicinity with the dwellings being significantly taller than those around. The layout of the development is also not in keeping with the character of the village, particularly at its outer edge. The proposed cul-de-sac is not integrated into the street pattern of the village as past developments are.

Policy RES6 Rural Exception Sites

- 1. Proposals for affordable housing development on rural exception sites within, or on the edge of, a rural settlement will be permitted provided that:*
 - a. there is a proven local housing need which cannot be met in any other way;*
 - b. the scale, type and tenure of development is based on the proven needs of the site locality;*
 - c. the site has reasonable access to local facilities and public transport, and can be integrated into the existing community;*

The application does not demonstrate a proven local housing need when assessed against the HNS 2019 and the Accessibility score from Joint Core Strategy's *EB011e – 2017 JCS Settlement Audit Refresh (as amended via January 2020 addendum)* is 0 out of 15, placing Dumbleton in the category of least accessible (see section 3.5 below for more information)

The application fails to pass the requirements of RES6 and thus, should be refused.

Policy HER1 Conservation Areas

“Proposals for development in or within the setting of conservation area will need to have particular regard to the potential impact on its character and setting. New development will be expected to preserve or enhance the character and appearance of conservation areas through high quality design and use of appropriate materials.

Proposals will be required to demonstrate a thorough understanding of the significance, character and setting of conservation areas and how this has informed proposals, to achieve high quality new design which is respectful of historic interest and local character. Proposals should reflect any conservation area appraisals and management plans.”

The proposed development does not preserve or enhance the character and appearance of the Dumbleton Conservation Area. Materials proposed for dwellings are out of character with the area and proposed features do not understand the character of the area or dwellings, especially those of the historic dwellings of architectural significance in the vicinity of the development.



As noted in Tewkesbury Borough Council's response to the pre-application on 10 June 2020:

"...the site is considered to be historically sensitive and contributes to the setting of the village."

and

"...it should be noted that the character of the village includes a strong tradition of front boundary features and the open plan layout indicated would not be appropriate or reflective of the location"

This point is not addressed in the proposed development.

"An analysis of the character of the village and review of adopted documents such as the conservation area appraisal needs to be undertaken to inform the design of the scheme and how this would reflect and conserve or enhance the character of the area. The house designs should be sympathetic to and respond to the local vernacular and materials"

It appears that the applicant has taken little or no regard to this advice. The proposed dwellings appear to be types that can be found around the country that have had some basic, and inappropriate, 'imitation' features added.

Policy HER2 Listed Buildings

"Any proposals which adversely affect such elements or result in the significant loss of historic fabric will not be permitted."

There are two dwellings within close vicinity of the proposed development that are listed and/or noted as a building of historic character, both covered by an Article 4 (2) direction ([The Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](#))

The proposed development will have an impact on the setting and view of these buildings when seen from public footpaths.

As noted under comments on *Policy RES4*, the scale of the proposed dwellings are out of character with those around and will also have a negative impact on the nearby listed/historic buildings.

Policy HER4 Archaeological Sites and Scheduled Monuments

"Where development will cause harm or loss, provision should be made for excavation and recording with an appropriate assessment and evaluation. The appropriate publication/curation of findings will be expected."

As noted in section 3.1, the response to the pre-application from Tewkesbury Borough Council required the applicant to provide the results of a programme of archaeological assessment and field evaluation, including:

- *Detailed geophysical survey of the whole of the proposed development site*
- *Trial-trenching, which should investigate a minimum of 2% of the area of the proposed development site, targeting any anomalies located during the geophysical work and also areas where no geophysical responses were obtained. A contingency to investigate an additional 2% of the area should also be allowed for, so as to make provision for resolving any uncertainties arising during the initial stages of trenching.*

This has not been done and no archaeological assessment has been provided to accompany this application and thus, is in breach of the requirements from Tewkesbury Borough Council and of Policy HER4.



Policy NAT1 Biodiversity, Geodiversity and Important Natural Features

“Development likely to result in the loss, deterioration or harm to features, habitats or species of importance to biodiversity, environmental quality or geological conservation, either directly or indirectly, will not be permitted unless:

a) the need for, and benefits of the development clearly outweigh its likely impact on the local environment, or the nature conservation value or scientific interest of the site;”

As noted in section 3.3.1 above, the Ecological Report provided as part of the application is relatively robust but there are concerns that it does not highlight the significant impact of the proposed development on protected species. It should also be noted that the field survey was undertaken on a single day (with no apparent reference to dusk or night regimes) when the temperature was higher than average and following a lengthy period of no precipitation. As such, the field survey does not account for any ecological outcomes based around periods when the location is under different conditions.

As part of its comment on *Policy NAT1*, the Council refers to the work of Prof. A Goodenough, Professor of Applied Ecology, University of Gloucestershire, cited in a comment received by the Parish Council from the Dumbleton Conservation Society on 21 February 2022.

Bats

A bat roost survey in trees and buildings adjoining the site has not been carried out. No passive acoustic detection nor even a basic dusk activity survey, was carried out by the applicant. This is not in accordance with the Bat Conservation Trust Guidelines

Bats have been recorded foraging on the site. At least four species have been recorded with a bat detector: *Noctule*, *Pipistrelle*, *Soprano Pipistrelle* and *Daubentons*. Each of these species has been recorded foraging on the site. The development will interfere with these feeding areas by obstructing flight paths from roosts in buildings adjoining the site and through light from the development which disrupts feeding.

Great Crested Newts

Dumbleton is a red zone for the *Great Crested Newt (GCN)*. The report dismisses the potential for the presence of GCNs. The nearest pond at 270m is well within the roaming range of newts of 1.6km. This pond is almost continuously linked to the site by a ditch network that holds water for much of the year. A habitat suitability analysis has not been carried out and the pond in question has not been surveyed.

Reptiles

Whilst the report states that refugia on the site were inspected, it does not report the result. These, however, would be expected to be empty on a hot day in May such as that when the field survey was undertaken. *Common Lizard* has been seen and photographed on land adjoining the site, and it is likely that slow worms and grass snake are also present.

Birds

Priority species such as skylark and yellowhammer have been seen on the site and the annual hay cut and grazing after making the location a high-quality site for these species. This management regime was not noted in the survey. The site is of high quality for nocturnal birds and Tawny, Barn and Little Owls are all known to hunt over the site. The reduction in grassland area would adversely affect these species.

No lighting assessment included as part of this application, despite it being a validation requirement. As a result, there can be no determination of the impact of eight new dwellings on an existing dark landscape used by the many night-feeding species noted above.

The recorded incidents of protected species using the location and the lack of a full ecological report that addresses the needs of these species means that the application should be refused.

The application fails to meet many of the policies of the Local Plan, including RES4, RES6 and NAT1 which should mean a refusal.



3.3.3 National Planning Policy Framework (NPPF)

2. Achieving sustainable development

Subsections 7 through to 14

The application falls short in many of the policy areas in section 2, including (but not limited to):

- 8 c *an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, **improving biodiversity**, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy. [Emphasis added]*

The application does not meet with this objective, particularly in regard to improving biodiversity where it will have a negative impact.

12. *The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (**including any neighbourhood plans that form part of the development plan**), permission should not usually be granted. [Emphasis added]*

As notified to Tewkesbury Borough Council Neighbourhood Planning, Dumbleton Parish Council voted to implement a Neighbourhood Plan for Dumbleton parish at a meeting on 17 November 2021. The Neighbourhood Plan area has also been identified to the Tewkesbury Borough Council.

The Council appreciates that the Neighbourhood Plan is in a nascent stage but would note that it must still carry significant weight regarding this and any other planning application in the parish.

The Council also notes that the Neighbourhood Plan will likely identify needs across the parish, including housing, and will form a coherent and parish-wide response to such needs. The Council would like to highlight the significance that the Neighbourhood Plan will have in working and engaging with the community and ensuring that any development within the parish is appropriate and meets the requirements of all local and national policies.

9. Promoting sustainable transport

Subsections 104 through to 113

The application's Transport Assessment (TA) notes:

- 1.4 *This TS concludes that the proposed development, in highway and transportation terms, is acceptable*

It fails to mention the **0 out of 15** score for Accessibility from the Joint Core Strategy's *EB011e – 2017 JCS Settlement Audit Refresh (as amended via January 2020 addendum)*. This means that Dumbleton is in the least accessible category for the following:

- General accessibility (based on access to the following 10 key destinations by the June 2017 Gloucestershire Accessibility Toolkit: Post office, Supermarket, Library, Primary School, Secondary School, Children's Centre, GP, Pharmacy, Accident & Emergency or Minor Injuries Unit, Fitness Facility)
- Access to major employment areas (offering minimum 500 jobs) by public transport
- Access to major employment areas (offering minimum 500 jobs) by road/car
- Access to railway station

This data does not support the TA's conclusion and, if anything, refutes it.

Had the applicant engaged with the community at any point, as it required to do, it would understand that the access is achieved via private vehicles.



The bus service referred to in the TA runs once a day on a Monday, Thursday and Friday only and provides users with a short time at the destinations before needing to return.

The services terminate at Tesco superstore Bishop's Cleeve (Monday, Friday) and Cheltenham Bus Station (Thursday).

The TA describes this as:

3.16 Considering the rural nature of the application site, it is served by a reasonable level of public bus services throughout the week, with services to nearby employment and recreational destinations such as Cheltenham, Chipping Campden and Mickleton

This conclusion must be considered erroneous. The public transport affords no opportunity to those wishing to use it access to employment areas at times when it would be required (commuting hours) and the services **do not run** "throughout the week" as asserted in the TA.

In its assessment of proximity to local services, amenities and facilities, the TA notes "the application site benefits from being within a reasonable walking and cycling distance to a range of service, amenities, and facilities, which include education, and recreational destinations, in addition to public bus stops."

When this data is analysed, the following conclusions are drawn:

- Four of the six amenities are seasonal and/or with limited opening hours (Cricket Club, Village Club, Village Hall, St Peter's Church)
- The education destination is an adjunct to Alderton Primary School and is for 4- to 7-year-old pupils only with a limited capacity for more pupils.
- The sixth destination – Bank Farm Turn bus stop – is unknown to most residents.

It could be noted that the TA is stretching its conclusions to provide a positive assessment of accessibility.

The TA also notes

3.9 All of the local services, amenities, and facilities detailed above are within 2km of the application site, which presents the opportunity for residents to walk and cycle to / from these destinations in favour of a single occupancy private car journey.

Furthermore, with reference to the above detailed DfT guidance, it is also considered that cycle trips may be made to neighbouring villages / settlements of Sedgeberrow, Hanley Swan, Toddington, Beckford as all are within an 8km cycle distance. Evesham town centre is located 9km north of the site.

As noted above, the local services are mainly seasonal and/or with limited opening hours.

To access Beckford and Evesham town centre by bicycle would mean, at some point, using the A46 that connects from Ashchurch to Evesham. The A46 is currently undergoing assessment by a Safety Action Group as it has been identified as one of the most dangerous roads in the UK due to the number of road traffic incidents and fatalities in the last five years. It is unlikely anyone would choose to use this route for access.

The inclusion of Hanley Swan is questionable as it is a destination approximately 1hr 45mins/34km from the village and would also require use of major A roads with no discernible employment opportunities for Dumbleton residents.

The TA and by extension, the application, fails to meet any of the requirements of NPPF section 9.



11. Making effective use of land
Subsections 119 through to 125

The application fails to meet many of the policy areas in section 11, including (but not limited to):

120. Planning policies and decisions should:

a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities **to achieve net environmental gains** – such as developments that would **enable new habitat creation or improve public access to the countryside**; [Emphasis added]

b) recognise that some **undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production**; [Emphasis added]

The proposed development does not achieve a net environmental gain, establish a new habitat or improve access to the countryside and, as noted above, the location is used by protected species for foraging and more.

12. Achieving well-designed places
Subsections 126 through to 136

The application fails to meet many of the policy areas in section 12, including (but not limited to):

132. Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot. [Emphasis added]

As noted in previous sections, the design, layout and quality of the proposed development does not match the standard required. There has been no engagement with the community, particularly those most closely affected by the proposed development such as residents of Main Street and the committee and users of Dumbleton Village Club.

134. Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. [Emphasis added]

The design and layout is not in keeping with the character of the surrounding dwellings, the rest of the village and the layout of the village. As noted in Tewkesbury Borough Council's response to the pre-application:

"Any subsequent application will need to demonstrate that the development will preserve and enhance the character and appearance of the conservation area which the submitted designs would not."

This subsequent application has not demonstrated this requirement.



15. Conserving and enhancing the natural environment
Subsections 174 through to 188

As noted above in section 3.3.2, the application's Ecological Report does not take into account the recorded protected species that use the location (in and of itself, reason enough to refuse this application). The application also fails to the requirements in section 15, including (but not limited to):

174. *Planning policies and decisions should contribute to and enhance the natural and local environment by:*
- a) *protecting and enhancing valued landscapes, **sites of biodiversity** or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); [Emphasis added]*

 - d) *minimising impacts on and **providing net gains for biodiversity**, including by establishing coherent ecological networks that are more resilient to current and future pressures; [Emphasis added]*
176. **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. **The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas** [Emphasis added]
177. *When considering applications for development within National Parks, the Broads and **Areas of Outstanding Natural Beauty**, permission should be refused for major development other than in exceptional circumstances* [Emphasis added]
179. *To protect and enhance biodiversity and geodiversity, plans should:*
- a) **Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks**, including the hierarchy of international, national and locally designated sites of importance for biodiversity⁶¹; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and [Emphasis added]

 - b) *promote the conservation, restoration and enhancement of priority habitats, ecological networks and **the protection and recovery of priority species**; and identify and pursue opportunities for securing measurable net gains for biodiversity. [Emphasis added]*
180. *When determining planning applications, local planning authorities should apply the following principles:*
- a) **if significant harm to biodiversity resulting from a development cannot be avoided** (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, **then planning permission should be refused;** [Emphasis added]
182. *The presumption in favour of sustainable development **does not apply where the plan or project is likely to have a significant effect on a habitats site** (either alone or in combination with other plans or projects), [Emphasis added]*

The use of the location by protected species clearly demonstrates that the application cannot fulfil the requirements of NPPF section 15 and should be refused as a result.



16. Conserving and enhancing the historic environment
Subsections 189 through to 208

The application fails to meet many of the policy areas in section 16, including (but not limited to):

197. In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness.*

The proposed development as noted in earlier responses is not in keeping with the character of the village and the Conservation Area and does not make a positive contribution towards it.

- 199. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

The proposed development with its inappropriate scale in comparison to surrounding dwellings will have a negative impact on the nearby listed/historic buildings.

The application fails to meet many of the requirements of the National Planning Policy Framework and should be refused on these grounds.



3.3.4 Dumbleton Conservation Area Character Statement 2002

Policy CON1 General

Within conservation areas special attention will be given to the desirability of preserving or enhancing their character and appearance.

The application alters the pattern of development, will be visible from the AONB, affects the sight line to listed/historic buildings on Main Street

Policy CON2 Setting and Impact

*In proposals for development within or in close proximity to a conservation area, particular attention should be paid to the development's impact upon the conservation area, including any existing trees. Where new development is proposed within a conservation area, **it must be to a high standard of design and preserve or enhance the character and appearance of the conservation area in terms of scale, form, materials and quality** [Emphasis added].*

The standard of design is not high quality using what appears to be standard house types that do not reflect the character of the period homes nearby. The designs are poorly detailed with steep pitched roofs and use imitation features and materials to attempt to be in character. The layout of the development does not match the pattern of the village.

Policy CON3 Visual Impact of Parking Provision, Street Furniture and the Reintroduction of Lost Features and Introduction of New Features in Conservation Areas

Within designated conservation areas, the materials used and the design and layout of parking areas and the provision of vehicular access must minimise the adverse visual impact that may arise from such development.

The layout of the proposed parking, in particular the line of cars that will arise from the spaces aligned parallel to the road will stand out across the open space and affect the sight line to the listed/historic buildings on Main Street and be visible from the public footpaths on the higher parts of the AONB

Policy CON5 Open Spaces, Water Features, Hedgerows and Trees Within Conservation Areas

Planning permission will not be granted for development that adversely affects important open spaces, water features, hedgerows and trees within designated conservation areas

The application will impact on the open space, in that some will be lost. This will make this part of the village feel and look more densely populated and out-of-character with the village in general.

New Development: Design Guidance

New buildings or extensions should reflect the general pattern of building around Dumbleton, especially in scale and proportion, although there is scope for some architectural invention, provided that this is sympathetic to the village's existing architecture. [Emphasis added]

Materials used should be in accordance with those traditionally used in that particular part of the conservation area, and should maintain a similar mix. [Emphasis added]

Any new buildings or extensions should be located on their sites in a similar way to the general pattern of building in that part of the conservation area. [Emphasis added]

Boundary walls and railings should be incorporated in the development in a similar way to those already in existence in that part of the conservation area, and these should use similar materials and detailing. [Emphasis added]

The application does not meet any of these requirements with the general layout of the development out-of-character for the village and the use of non-traditional ('imitation') materials and features. In Tewkesbury Borough Council's response to the pre-application, the use of boundary walls and railings was highlighted as a requirement.

The application fails to meet the requirements of the majority of the Conservation Area Character Statement and should be refused as a result.



3.4 Failure of the application to adequately address highway safety

The application provides visibility splays for some elements of the location. It fails to provide or demonstrate the suitability of the highway at certain points for the a development of this nature.

Main Street access

After Main Street diverges from Beckford Road, leading to Bank Farm and the proposed location, the highway is only suitable for the width of a single vehicle – no passing is possible. This width cannot be altered as there are historically protected boundary railings on one side and the pavement on the other.

Passing is only possible by mounting the pavement or damaging the boundary railings.

Subsequent to the proposed access to the location, Main Street is a private road leading to an active agricultural business. Agricultural HGVs regularly use Main Street for access to other parts of the village.

The application does not show any consideration for these two highway safety issues despite noting that it believes a further 20 private vehicles will not have an impact of highway safety.

The A46 that connects one entrance to the village currently has a very poor safety record with significant numbers of road traffic incidents and related fatalities. It is known to be one of the most dangerous roads in the UK. The applicant has provided no assessment as to the impact of additional traffic (domestic and commercial) both during construction and post-construction phases.

The Council asserts that, considering the very significant public safety concerns around the A46, such an assessment is required.

3.5 Services and Accessibility

In the *Gloucester, Cheltenham and Tewkesbury Join Core Strategy 2011-2031 (JCS)*, Dumbleton is **not** identified as a Service Village or part of a Strategic Allocation site. As noted in the JCS

4.10.5 Outside cities, towns, rural service centres and service villages, there are generally insufficient facilities to support development and so they are not considered sustainable locations for residential development. [Emphasis added]

In the JCS *EB011e – 2017 JCS Settlement Audit Refresh (as amended via January 2020 addendum)* (EB011e), Dumbleton scores

- 0 out of 15 for Accessibility – placing it in the least accessible category
- 8 out of 48 for Total Services and Accessibility.

As noted in section 3.3.3 above, the services available to residents are mainly seasonal and/or with limited opening hours. Of the services identified the most significant is the village school that is an adjunct to the much larger Alderton Primary School close by.

The school caters to 4- to7-year-old pupils only and has limited capacity for new intake. The application notes that the housing need demonstrated by GRCC's HNS 2019 will help to support the school.

When analysing this claim, it should be noted that of the five respondents who expressed a preference to live in Dumbleton parish (as distinct from the village) three respondents are aged 55-years old and over.

There is no guarantee that any new development in the parish would provide any additional new intake for schools in the area. The example of Alderton school nearby, in an identified service village that has seen very significant housing expansion in the last few years, is a case in point. It is currently not at capacity and is likely to remain this way while parents choose the best school for their children based on accessibility by private vehicle.



EB011e notes:

- 2.8 *“Other villages” identified as suitable for “infilling only” (Policy HOU3) include:*
– Dumbleton

HOU3 has been superseded by the JCS Policy SP2: Distribution of New Development and Policy SD10: Residential Development

Policy SP2 states that:

5. *Rural service centres and service villages as identified in Table SP2c below will accommodate lower levels of development...*
6. *In the remainder of the rural area, Policy SD10 will apply to proposals for residential development.*

As noted above in the comment on *JCS Policy SD10*, Dumbleton is not an appropriate location for the development noted in this application.

The presumption in this instance must be to refuse on the basis of services and accessibility and the requirements of the JCS (notwithstanding other local plans)

3.6 Precedent

This application is aiming to create a precedent for future development. The application is clearly designed to allow for further expansion into the rest of the land beyond that is within the application under consideration.

3.7 Dumbleton Parish Neighbourhood Plan

Dumbleton Parish Council voted to implement a Neighbourhood Plan at a meeting on 17 November 2021. It has notified Tewkesbury Borough Council Neighbourhood Planning of this decision and of the suggested neighbourhood plan area.

Although the Neighbourhood Plan is in its nascent stage, the Council believes that it must carry weight in this application and any other application within the parish, prior to its formal adoption.

As Tewkesbury Borough Council notes in the *Tewkesbury Borough Local Plan 2011-2031 – Pre-Submission version 2019*:

- 9.35. ***The Borough Council positively supports the work of communities who have made the decision to create a Neighbourhood Plan. The primary role of the Borough Council is to provide guidance on conformity with national planning guidance and with the higher-tier Local Plan documents, but to also advise on plan making in general including the development of a supporting evidence base. [Emphasis added]***

The implementation decision was taken following consultation with the whole parish through a four-page explanatory leaflet with accompanying survey and online survey. The survey results showed over 97% of the parish in favour of implementing a plan.

The Council believes it has engaged with the community regarding the Neighbourhood Plan and that the overwhelming positive response is indicative of the desire of the parish residents to be actively involved with all aspects of decision-making, including planning.

The applicant has not engaged with the community as they are required to do (*NPPF Section 12, JCS INF4*) and the Council strongly urges Tewkesbury Borough Council to listen to the voices from the parish.

The Council is also aware that the process of implementing and adopting a Neighbourhood Plan will, likely, highlight a range of needs, including housing, across the parish. It believes that these needs can be better addressed for the benefit of the whole parish through the Neighbourhood Plan and will be able to listen and react to the needs of the parish better than a single development that has had no community engagement.

The Council urges Tewkesbury Borough Council to refuse this application and allow the parish through its Neighbourhood Plan to assess and meet the needs of the parish.



3.8 Material errors in the Planning Application

There are number of material errors throughout the application. These create a question of validity and reliability of statements made by the applicant and its third-party suppliers. In the Council's opinion, this makes the application (notwithstanding all other citations for refusal) unreliable and unfit for further progress.

Examples of these material errors include (but are not limited to):

In the Design and Access Statement:

- Incorrect spelling of Dumbleton
- Archaeological report listed in the accompanying documents – there is no accompanying report (and it is to be noted this is a validation requirement by Tewkesbury Borough Council)
- Topographical survey listed in the accompanying documents– this appears not be included
- GRCC is incorrectly called Community Action in Gloucestershire
- Incorrectly states a housing needs survey was carried out in September 2018 (it was between 14 October and 21 November 2019)
- Incorrectly states the survey was sent to 66 households (it was 270)
- Incorrectly states the site is overlooked by the village's pub (there is no public house in the village – there is a restrictive covenant preventing one)

In the Ecological Report

- Incorrectly states on **two** occasions that the proposals are to construct up to **14** new homes (unless this is the applicant's final aim)

In the Ground Investigation Report

- Incorrectly states that the proposals are for the construction of **16** dwellings

In Landscape and Visual Appraisal 1

- Incorrectly states that the "Golden Hay" public house overlooks the site (there is no pubic house – see above)

While these material errors can be considered minor, the overall effect on the application is to bring its reliability and validity into question. The application has had no oversight of the final details. This provides little confidence in it as a whole and provides further grounds for refusal.

3.9 Unreasonable burden on a single village in the parish

The HNS 2019 was a parish-wide report encompassing the villages of Dumbleton, Great Washbourne and Wormington. Despite Dumbleton Parish Council's request, GRCC have been unable to provide a breakdown of responses by village.

As noted in section 3.2, the housing need identified in the report is not to the scale asserted in the application and is also related to the **whole parish and not the distinct village of Dumbleton**. It is inappropriate and unreasonable to assume and place the entire burden of housing need identified in the report on a single village.

3.10 Relevant related decisions

14/01122/FUL (03.02.2015) – Refuse

APP/G1630/W/15/3129433 – Appeal dismissed

16/00136/FUL (17.08.2016) – Refuse

The proposed location has been rejected as unsuitable for development in previous Local Plans. The circumstances and nature of the location have not changed in this time.



3.11 Other information

Economic justification

Tewkesbury Borough Council's response to the pre-application states regarding the proposal for 8 open market and 8 affordable dwellings:

The reasoned Justification sets out that local authorities will consider whether allowing a limited proportion of market housing would facilitate the provision of new affordable housing. This is reflected and enhanced upon by Policy RES12 of the PSTBP which advises that alternative means of funding affordable housing should be sought in the first instance and I am not convinced that 8 open market units to cross subsidise 8 affordable dwellings would be appropriate/limited proportion of market housing.

Any future application should be accompanied by evidence as to why the affordable housing could not be delivered via alternative public funding.

This indicates that the previous proposal that included 8 open market dwellings was not deemed economically viable. That being the case, the proposal for only affordable dwellings cannot be viable by the same measure.

As such, it is likely that some of the proposed dwellings will not remain as affordable either in the first or subsequent iterations.

Foul sewage issues

Although it is a requirement for validation, a Foul Sewage Assessment is **not** included with the application.

Dumbleton Parish Council is very concerned that Severn Trent Water is not a consultee on this application. There are known issues throughout the village with the foul sewage with manual pumping/clearing of the system required throughout the year. The addition of a further eight dwellings will add further pressure on an already inadequate foul sewage system.

The Council urges Tewkesbury Borough Council to include Severn Trent Water as a consultee on this and all similar applications. It also respectfully requests that it enforces its own validation requirements that will include a foul sewage assessment before a decision can be made.

On the basis that this application has not met the validation requirements, it should be refused.

Current development

In development in the village is a small single dwelling at the entrance to Garden Close. Given the scale and nature of the dwelling, it is very likely to fall under the parameter of affordable housing. This will increase the affordable dwellings in the parish to six (for an identified need of five)

Public opinion

Based on comments received to Dumbleton Parish Council to date the majority of the parish object to this planning application.

As noted, the Neighbourhood Plan will identify the needs across the parish and will be able to work with the parish to deliver solutions.



4.0 Conclusion

Planning Application 22/00009/FUL – Development of 8 affordable dwellings behind Golden Hay, Dumbleton fails to meet requirements and is inappropriate:

- Fails to meet the validation requirements of Tewkesbury Borough Council
- Fails to meet requirements outlined to the applicant in a response to a pre-application (10 June 2020)
- Fails to meet the requirements of the *Tewkesbury Borough Local Plan 2011-2031 – Pre-Submission version 2019*, including (but not limited to):
RES4, RES6, HER1, HER2, HER4 and NAT1
- Fails to meet the requirements of *Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031*, including (but not limited to):
SD4, SD6, SD7, SD8, SD9, SD10, SD12, SD14, INF1 and INF4
- Fails to meet the requirements of *National Planning Policy Framework*, including (but not limited to):
Sections 2, 9, 11, 12, 15 and 16
- Fails to meet the requirements of the *Dumbleton Conservation Area Character Statement 2002*
- Fails to provide evidence for its assertion of a housing need larger than identified in the HNS 2019
- Fails to address relevant highway safety issues
- Proposes development in a non-service village which is not a Strategic Allocation site that has an Accessibility score of 0 out of 15 and a Total Services and Accessibility score of 8 out of 48 – the proposed location is inappropriate for the development
- Sets a precedent for future development in a Conservation Area and the Cotswolds AONB
- Does not take into account the nascent Dumbleton Parish Neighbourhood Plan
- The Planning Application and statements within it can be considered unreliable with no obvious oversight to the details prior to application
- Places an unreasonable burden on a single village based on a housing needs survey that encompassed the whole parish
- Relevant related decisions all show refusal
- Tewkesbury Borough Council's response to the pre-application suggest the development is not economically viable
- The weight of public opinion in the parish suggests that it is an ill-advised proposal and that the Neighbourhood Plan will play a better role in identifying needs, including housing, and providing parish-wide solutions that benefit all of the community

Taking all of these conclusions into account, especially items 1 through 6, this application does not meet the policies and requirements of:

- **Tewkesbury Borough Council's planning and validation**
- **the Joint Core Strategy**
- **the Tewkesbury Local Plan**
- **the National Planning Policy Framework**
- **the Dumbleton Conservation Area Character Statement**

Its assertion for housing need that underpins the application is shown to be not proven to the scale stated in the Design and Access Statement and other documents and should be refused on this and the above noted grounds, along with the other supporting reasons for the Council's objection.