
Appeal Decision

Site visit made on 24 October 2016

by Richard S Jones BA (Hons) BTP MRTPI

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

Decision date: 10 November 2016

Appeal Ref: APP/C1625/W/16/3155821

Bramley Cottage, Quarhouse Lane, Brimscombe, Gloucestershire GL5 2RR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Miss Karen Dean against the decision of Stroud District Council.
 - The application Ref S.16/0477/FUL, dated 4 March 2016, was refused by notice dated 29 April 2016.
 - The development proposed is for the construction of a single detached 3 bedroom family home/cottage with associated garden/amenity space.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal can be considered sustainable development as defined by the National Planning Policy Framework (the Framework); and
 - the effect of the development on the character and appearance of the area, with particular reference to the Cotswolds Area of Outstanding Natural Beauty (AONB); and
 - whether the proposal would preserve the setting of nearby listed buildings.

Reasons

Sustainable development

3. Paragraph 2 of the Framework highlights that planning law¹ requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
4. Policy CP1 of the Stroud District Local Plan (DLP) states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the Framework. DLP Policy CP2 states that housing development will take place in accordance with the settlement hierarchy set out in the plan and within settlement development limits. DLP Policy CP3 sets out the settlement

¹ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

hierarchy and ranks settlements according to their size and their range of services and facilities. The development strategy of the plan aims to prioritise growth at sustainable locations, in accordance with this hierarchy.

5. The appeal site is situated outside the settlement boundary of Brimscombe, which is identified as a third tier settlement under DLP Policy CP3. The proposed residential development would therefore conflict with the development strategy for the District as set out in DLP Policies CP1, CP2 and CP3.
6. Due to the site's location beyond the identified settlement development limit, it is in the countryside for development plan purposes. DLP Policy CP15 of the Local Plan seeks to protect the separate identity of settlements and the quality of the countryside and restricts development outside identified settlement development limits except in certain circumstances, none of which apply in this case. The proposal is also therefore in clear conflict with DLP Policy CP15.
7. The Council states that it is able to demonstrate a five year supply of deliverable housing sites. Whilst the appellant questions deliverability, I have no substantive evidence to dispute the Council's position on this matter. This means that there is no reason to treat the relevant development plan policies as out-of-date.
8. Moreover, the DLP was adopted relatively recently and despite the appellant's assertion it would certainly have undergone significant public consultation. I am also not persuaded that in overall terms the DLP is inconsistent and I do not find compelling reason to disregard the settlement boundary in this case. I therefore attach full weight to the above policies and associated settlement boundary.
9. My attention has been drawn to appeal decision Ref: APP/C1625/W/15/3029196, where it is highlighted that the inspector states that the fact that the appeal site is outside the settlement boundary is not a reason to refuse the grant of planning permission. Although I have not been provided with a copy of this decision, I am able to deduce from the further excerpt provided at Appendix 1 of the appellants Statement of Case, that the decision was taken at a time when relevant policies for the supply houses would not have been considered up-to-date. This is not presently the case as the policy context has evidently and materially evolved such that the development plan policies now carry full weight. Similarly appeal decision reference: APP/C1625/W/15/3004810 was allowed in June 2015, prior to the adoption of the DLP.
10. Reference is also made to a planning permission granted for 104 houses at Wimberley Mill, however I note that this site is allocated in the DLP for 100 dwellings. Other sites referred to such as Brimscombe Mill and Brimscombe Port are also allocated and are strategic in nature. Despite their proximity, they are not comparable to the circumstances of this appeal nor do they justify an ad-hoc dwelling in the countryside.
11. In such circumstances, paragraph 12 of the Framework highlights that proposed development that conflicts with an up-to-date Local Plan should be refused unless material considerations indicate otherwise. Whilst in this regard, the development of one dwelling will modestly increase housing supply

- and likely be of modest benefit to the vitality of the rural community, such matters do not outweigh the above development plan policies.
12. A number of other applications and sites are referenced by the appellant but only limited details are provided. This in turn limits the weight I am able to attribute to these submissions.
 13. Although the appellant asserts that the site benefits from a very sustainable location, the linkages to the centre of Brimscombe are poor. The initial section along Quarhouse Lane is narrow and steep, with no footpaths and limited street lighting. The diversionary footpath around nearby houses is also narrow, unlit and very steep. Consequently, the route to the centre of the settlement and its services and facilities would be very unattractive to pedestrians and would be unlikely to encourage cycling. Whilst Brimscombe itself may have a very good public transport service, access to such facilities would involve negotiating the section of Quarhouse Lane I have described.
 14. Reference is also made to the restoration and improvement of canals but I have no evidence of timescales or how such facilities would be accessed from the appeal site. It is therefore likely that occupiers of the proposed dwelling would in practice be very reliant on a private car. Consequently, the proposal would not contribute to sustainable travel patterns and as such is not sustainably located. Also, as the appeal site comprises part of the private residential garden of Bramley cottage, it does not amount to previously developed land as defined by the Framework.
 15. I therefore conclude that the development is contrary to policies CP1, CP2, CP3 and CP15 of the DLP. Furthermore, although the proposal may not be considered remote in terms of its geographic proximity to the settlement, the constraints on its connectivity with it do in my view define it as isolated. In these terms the proposal is in conflict with paragraph 55 of the Framework, which seeks to avoid such outcomes.
 16. For these reasons, and those set out below, I find that the proposal would not meet the social and environmental objectives of sustainability and as such would not amount to sustainable development, having regard to the advice at paragraph 7 of the Framework. Not being sustainable, it follows that no such presumption, as anticipated in paragraph 14, applies.

Character and appearance

17. The appeal site is located in the north west corner of the residential garden of Bramley Cottage. At this point, the distinct rural character of Quarhouse Lane contrasts markedly with the suburban character of Bourne Lane to the south. Both Bromley Cottage and the adjoining Balsam Cottage are predominantly viewed within the context of a verdant hillside within the countryside and the AONB. The present undeveloped nature of the appeal site provides a soft edge and transition from the cottages into the surrounding countryside and makes a positive contribution to the landscape and scenic beauty of the area.
18. The proposed dwelling would result in a marked and harmful change in the visual character of the area by introducing a substantial building into this setting, thereby increasing its built-up appearance and visually encroaching into the open countryside. This harm would not be acceptably alleviated by the use of sympathetic finishing materials.

19. I accept that the site would be well screened by existing trees, particularly during the summer months. However the fact that the proposal is for one dwelling only and would not be prominent in the wider area, are not, by themselves, good arguments in favour of permission as such permissions could be granted too often, to the overall detriment of the character of an area. Nevertheless, the development would be very visible from this part of Quarhouse Lane in an elevated position.
20. Moreover, although unlikely, as the trees that largely screen the site are not within the control of the appellant, they could in principle be removed, thereby resulting in greater exposure to the appeal site.
21. I acknowledge that the appellant has stated a willingness to reduce the scale of the dwelling but this is not the proposal which is currently before me. In any case, the above stated issues would remain regarding the location of the development.
22. Whilst I have been referred to other approvals, including appeal decision Ref: APP/C1625/W/15/3004810, I am not aware of the full set of circumstances against which those schemes would have been assessed and I cannot therefore be sure if there are any direct parallels with that currently before me. In any case, each proposal must be judged on its own merits on the basis of the development plan and all other material considerations and this is what I have done in this case.
23. Reference is also made within the Council's second reason for refusal to the displaced parking area for Bromley cottage. Although I note that this element does not form part of the description of proposed development and does not fall within the appeal site, I do consider that it would add a further urbanising feature to the road frontage, which in turn would be harmful to existing rural character.
24. I conclude therefore that the proposal would be harmful to the character and appearance of the area contrary to DLP Policy E7 which states that in all locations within the AONB development proposals should conserve or enhance the special features and diversity of the different landscape character types found within the District. It follows therefore that the proposal would also be contrary to paragraph 115 of the Framework which highlights that great weight should be given to conserving the landscape and scenic beauty in AONB's, which have the highest protection in relation to the same.

Listed buildings

25. Bramley Cottage and the adjoining Balsam Cottage, are attractive grade II listed buildings. Paragraph 132 of the Framework makes clear that great weight should be given to the conservation of designated heritage assets, and to their setting. However, given the separation of the dwelling to the listed buildings, I am satisfied that the proposal would preserve the setting of the same.

Other matters

26. I acknowledge that no objection has been received from the Highways Authority and subject to conditions, the proposal would not unacceptably harm the living conditions of the neighbouring property at Balsam Cottage. However the lack of such harm cannot weigh in favour of the proposal and should

properly be considered as neutral in the planning balance. It follows therefore that they cannot mitigate the harm I have identified above.

27. Whilst reference is made to the support for the provision of tourist accommodation by DLP Policy EI10, this relates to development inside settlement limits and is therefore not applicable to the appeal proposal. In any case, any modest benefit arising to tourism would not outweigh the above stated harm.
28. The Council highlight that the site is within 3km of the Rodborough Common Special Area of Conservation and as such any new residential development would need to provide mitigation in response to increased recreational activity in the area. However, having regard to my decision, there is no need to consider this matter further.

Conclusion

29. For these reasons, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Richard S Jones

Inspector