

Appeal Decision

Site visit made on 13 December 2016

by Richard S Jones BA (Hons) BTP MRTPI

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

Decision date: 20 December 2016

Appeal Ref: APP/C1625/W/16/3156502

Brimscombe Lane, Brimscombe, Stroud, Gloucestershire GL5 2RF

- 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 K Morgan against the decision of Stroud District Council.
 - The application Ref S.16/0590/FUL, dated 17 March 2016, was refused by notice dated 12 May 2016.
 - The development proposed is a new field access off Brimscombe Lane.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the area and whether the proposal is adequately justified.

Reasons

Character and appearance

3. The appeal site comprises a steeply sloping parcel of land of approximately one hectare located between Brimscombe Lane and London Road. The existing field access is from London Road. The proposed access is from Brimscombe Lane, which is an attractive single width lane, the character of which is largely defined by the Cotswold dry stone walls and mature trees and vegetation on both its sides. To achieve access from this point, the proposal would involve the removal of about 12m of the stone wall and the reduction in its height either side. The initial surface to the access would be tarmac for a distance of approximately 8m, with a field gate at the end.
 4. Even though some relatively small sections of the existing wall have partly collapsed, the loss and alteration of part of this characteristic feature and the proposed works would result in material harm to the rural character of the lane.
 5. Whether or not the proposed access into the field is 'over engineered', it is evident that the steeply sloping nature of the site would necessitate significant engineering works. I accept that wider effects on the landscape would be largely mitigated by planting the bank with grass, such that the proposal would not result in harm to the Cotswold Area of Outstanding Natural Beauty or the setting of the Industrial Heritage Conservation Area. However, at a more localised level, the proposal would clearly conflict with the natural contours of
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the land and would result in unsympathetic alterations and earthworks on this steeply sloping hillside which would not respect or integrate well with its natural surroundings or the local topography.

6. Although parts of the site are located adjacent to the settlement boundary of Brimscombe, the proposed works would be primarily viewed within a rural context. Also, whilst the site is somewhat overgrown, I do not consider that its present naturally vegetating state is harmful to the landscape. I am not therefore convinced that an active management of the land would result in a material benefit in this regard so as to justify the harm I have found arising from the proposed access works. Moreover, I have no evidence to support the assertion that the biodiversity of the site would be improved.
7. I appreciate that the steep hills and the valleys in the area present access issues to land owners and that there may be examples of other accesses in area. However, each case must be determined on its own merits and this is what I have done in this case.
8. I acknowledge that the site does not lie within a protected landscape, but nevertheless, for the reasons I have explained, the proposal would be harmful to the character and appearance of the area and as such would be contrary to Core Policy CP14 and Delivery Policy ES7 of the Stroud District Local Plan (LP). These state, amongst other matters, that development proposals in all locations should conserve or enhance the special features and diversity of the different landscape character types found within the District and support development which is respectful of its surroundings, including the local topography, and contributes to the retention and enhancement of important landscape and geological features.

Justification

9. LP Core Policy CP15 states that in order to protect the separate identity of settlements and the quality of the countryside (including its built and natural heritage), proposals outside identified settlement development limits will not be permitted except where one or more of the six principles specified are complied with. The Council's second reason for refusal cites conflict with the first and second of these principles. The first being that it is essential to the maintenance or enhancement of a sustainable farming or forestry enterprise within the District.
10. Whilst the appellant considers that the policy has been misapplied or at least overzealously applied, it does nonetheless seek, amongst other matters, to protect the quality of the countryside. In this respect the proposal is not simply a field gate access as suggested but rather a proposal which involves substantial engineering operations within the site and the loss of part of a characteristic feature along the rural lane.
11. I sympathise that the appellant is seeking to establish a workable field access so that beneficial use can occur and in this regard I acknowledge the shortcomings of the existing access. However, I have no evidence that the existing access is incapable of reasonable improvement to safely accommodate access for livestock boxes, such that the creation of the second access, with its consequential harm, is necessary.

12. I accept that accessing the top part of the site from the existing access would be difficult due to the steepness of the site and that there may be a health and safety issue from vehicles or machinery overturning. Nevertheless, it appears to me that these difficulties would also apply if the upper parts of the site were accessed from Brimscombe Lane as the newly created flat profile would only exist in a relatively narrow area. Moreover, it has not been explained what machinery would be required for the upper parts of the site if the intention is to use the land for grazing.
13. Therefore, even putting to one side that it is not claimed that a one hectare field could be deemed to be a 'sustainable farming enterprise', I do not find that the above stated harm to the character and appearance of the area to be justified or essential. The proposal would therefore be contrary to the first principle of LP Core Policy CP15.
14. The second principle referred to by the Council is that it is essential in order to promote public enjoyment of the countryside and support the rural economy through employment, sport, leisure and tourism. I do not find this to be applicable to the appeal proposal and I have therefore given little weight to it.

Other matters

15. I appreciate that efforts were made to engage with the Council in an attempt to overcome its concerns but this is not a matter for this appeal which I have determined afresh and on its planning merits.
16. I also appreciate that no objections were received from the Highway Authority. However, the lack of such harm cannot weigh in favour of a proposal and should be considered as neutral in the planning balance.

Conclusion

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

Richard S Jones

Inspector