
Appeal Decision

Site visit made on 20 February 2017

by Elizabeth Hill BSc(Hons), BPhil, MRTPI

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

Decision date: 16 March 2017

Appeal Ref: APP/F1610/W/16/3161971

Land at Pear Tree Farm, Washpool Lane, Kemble, Glos, GL7 6FY

- 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 Ms S Warren against the decision of Cotswold District Council.
 - The application Ref 16/02789/FUL, dated 7 July 2016, was refused by notice dated 15 September 2016.
 - The development proposed is the erection of a new dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:

- 1) the effect of the proposed development on the character and appearance of the Kemble/ Ewen Special Landscape Area; and,
- 2) whether the detailed design of the proposal would be appropriate to its setting.

Reasons

Planning policy

3. The proposed development would take place on a site on the edge of the village of Kemble. The Council has confirmed that Kemble does not have a development boundary. Policy 19 of the adopted Cotswold District Local Plan 2000-2011 (LP) covers development outside development boundaries. The Council has acknowledged that the policies controlling the supply of housing are out-of-date since they only cover the position to 2011. In terms of paragraph 215 of the National Planning Policy Framework (NPPF), policy 19 restricts the supply of housing rather than boosting it in a positive manner. As such, I give the policy little weight and the Council has not relied on the policy for the refusal of planning permission, a position agreed by the main parties. As such, the proposal needs to be considered in the context of sustainable development as set out in paragraph 14 of the NPPF.
4. The Council's emerging local plan (eLP) has reached only an early stage and Kemble is identified as a principal settlement where modest development will be allowed. In addition, policy DS3 allows small-scale residential development outside the development boundaries of the principal settlements, subject to criteria. Although this Plan has been the subject of consultation, it has not yet

been the subject of public examination and also has little weight, in terms of paragraph 216 of the NPPF.

Landscape

5. The proposed development of a single dwelling would take place in part of a currently open field, on a plot adjacent to a Primitive Methodist Chapel. The land on the opposite side of the road is parkland associated with Kemble House, limited by Park Covert on Washpool Lane. Whilst there is a group of houses on Washpool Lane, development peters out towards Ewen on both Washpool Lane and Ewen Road on this side of the village. The proposal lies within the Kemble/ Ewen Special Landscape Area (SLA). Policy 8 of the LP allows for development which would meet the economic and social needs of the communities in these areas provided that it would not unacceptably harm the area's landscape character and appearance.
6. In the vicinity of the site, the landscape comprises mainly open fields in agricultural use, interspersed with patches of woodland. It is gently undulating, with slopes down towards the shallow, broad Thames Valley which lies between Kemble and Ewen. The White consultants plan, supplied by the appellants, shows the area as being within the Cornbrash Lowlands Poole Keynes and Ewen Lowlands, but on the edge of Dip Slope Lowland/ Kemble Dipslope within which the rest of the village is located. The SLAs were reviewed before being included in the adopted LP and also the eLP, with the Kemble/Ewen SLA being retained. The Council say that this was because it exemplified the small-scale valley plateau characteristics of the lower dipslope and its transition to the Thames Valley in relation to the source of the river.
7. The field in which the site is located is large and covers the area between Washpool Lane and Ewen Road, forming part of the wider countryside beyond the village and an attractive setting to its entrance. The larger fields with good hedgerows are said by the Council to be typical of the landscape type. The proposal would be a significant intrusion into the large open field in which it would stand, where there is a currently well-defined boundary to the group of dwellings on the settlement edge, having an adverse effect on the character of the landscape. The site has no natural boundary to contain it and it would form an awkwardly-shaped plot within a currently open field.
8. Whilst the appellant claims that the proposal would not extend the boundary of the village eastwards since some modern development was allowed on the edge of the village near Pear Tree Farm, this was originally part of residential curtilage to existing dwellings. The appellant's visual impact assessment largely shows summer views but, in winter, there are views of the site and the field through the hedges from Washpool Lane and Ewen Road and the relationship of Kemble to its wider landscape can be appreciated in such views. The landscape in this area also helps to preserve the separate identities of Kemble and Ewen which is important within the rural landscape and in identifying the line of the Thames Valley.
9. The scheme is a reduction in size from 4 dwellings proposed in 2002 and dismissed on appeal (Ref. APP/F1610/A/03/1110691) the following year, to one dwelling in the current application. However, the proposal would be an obvious and significant incursion into the currently open countryside, which paragraph 17 of the NPPF says should be recognised for its intrinsic character and beauty. The tin chapel intrudes into the field but this is only for a little way, since the

chapel is small and its boundaries maintain the openness of the field. The dwelling would be set down and be set back from the road, which would retain views of the chapel but the access and incongruous sunken driveway would be obvious in views along the road and would have an adverse impact to the entrance to the village, which local people including the Parish Council find important.

10. The parking area would be to the front of the property and it is proposed to screen it with evergreen planting. Nevertheless, the entrance to the property would be obvious in views from Washpool Lane, especially when approaching from the countryside, and the evergreen planting around the parking area, which would take some time to mature, would be seen as out of keeping with the mostly deciduous trees and shrubs in the vicinity of the site. Similarly, the proposed planting around the edge of the site, although mainly deciduous, would only serve to accentuate the incursion into the field and the SLA.
11. Access to the site would be via Washpool Lane which has a Quiet Lane status, partly to allow the recreational enjoyment of the area and its landscape on foot, cycle and horseback. The extension and intensification of domestic uses into what is currently a quiet rural area would conflict with the aims of this designation and the quiet enjoyment of the area.
12. No suggestion has been made that the dwelling would make a specific contribution to the economic and social needs of Kemble. It would be market housing, rather than affordable or social housing, and the village and its environs already has sufficient population to support existing facilities like the railway station and school. Any employment from construction would be of limited duration. As such, I consider that the proposal would make only a limited contribution to the economic and social needs of Kemble.
13. The appellant questions whether this policy is a relevant valued landscape designation in terms of paragraph 109 of the NPPF, since it does not oppose development in principle within the area. However, the SLAs were intended to provide a high level of protection in terms of the intrinsic value of the landscape and these areas exhibit many of the characteristics of the adjacent Area of Outstanding Natural Beauty, much higher in landscape value than ordinary countryside. I also note the value attached to the local landscape in the area of the site by the Parish Council, as representatives of the local community, and other local residents. As such, I consider that the policy should have full weight in terms of paragraph 215 of the NPPF.
14. Therefore, I conclude that the proposed development would be harmful to the character and appearance of the Kemble/ Ewen Special Landscape Area, contrary to policy 8 of the LP.

Detailed design

15. The proposal has been designed to resemble a Cotswold barn on the edge of the village and the approach has been for the building to reflect vernacular Cotswolds architecture. The proposal would incorporate a sunken lower ground floor which would wrap around two sides of the barn and provide a sunken outrigger to the barn building. Whilst the barn building would be relatively simple in its design, the lines of the main structure of the barn would be interrupted by the lines of the lower level building and this would compromise the simplicity of the design. The appellant has said that the design would be

innovative, following paragraph 60 of the NPPF, but this paragraph also says that it is proper to seek to promote or enhance local distinctiveness, which would not be the case. In addition, the parking to the front of the building would be obtrusive, being close to the road and not capable of being fully mitigated, as already discussed.

16. Whilst the barn section of the building would use mainly local materials, which would comply with the Design Code, there are also large amounts of glass in the design, which is not typical of traditional development in the area. In this part of the building there is a large door feature facing the road, which would be glazed. At night the large expanse of lighting close to the road would be an urban feature in the rural environment, which could not be fully screened by landscaping and would detract from the character and appearance of the area. The remainder of the dwelling, which is much larger than the barn element, would have a sunken element to both the block facing the road and the whole of the outrigger structure, enveloping a sunken courtyard area. This part of the building also features the extensive use of glass, especially in the design of the sunken lower storey of the proposed dwelling and would also be likely to be seen illuminated from the road at night and across the field from Ewen Road, drawing attention to the development, rather than settling into the landscape.
17. The site is on a hillside, giving it a prominence which demands a sensitive approach to the design of the proposal, having regard to the quality of the landscape in the area. Whilst the design incorporates sunken elements to disguise the scale and bulk of the development, the overall design is inappropriately complex, in terms of its form and use of materials, rather than reflecting the simple lines of a Cotswold barn or farm buildings and would fail to relate well to the site.
18. Policy 42 of the LP has regard to the principles set out in Chapter 7 of the NPPF and under paragraph 215 of that document is not out-of-date. In particular it reflects paragraph 59 of the NPPF in terms of its policy content and the provision of a design code, paragraph 56 in requiring a high standard of design and paragraph 64 in improving the character and quality of an area.
19. Therefore, I conclude that the detailed design of the proposal would not be appropriate to its setting and would be harmful to it, contrary to policy 42 of the LP.

Other matters

20. Much of Kemble village lies within a designated Conservation Area, with the site lying to the east of the boundary with intervening development between the site and the edge of the Conservation Area. A recent study has been carried out by Montagu Evans – Kemble and Kemble Station Conservation Areas – Appraisal and Management Guidance, which suggests the extension of the existing conservation area so that it includes the Methodist Chapel and the parkland associated with Kemble House which lies opposite the site. The study has been the subject of public consultation but is not adopted Council policy and so has little weight, although it contains some information on non-designated heritage assets close to the site. At the time of the appeal there had not been any change to the designated Conservation Area boundaries and therefore, in examining the impact of the proposal on the setting of the Conservation Area, I have had regard to the existing designated boundary, rather than the suggested boundary put forward in the study.

21. The boundary to the Conservation Area excludes the more modern houses adjacent to the site and closer in to the village on Washpool Lane. These houses have gardens, boundary treatment and vegetation which are now maturing and are providing an effective buffer between the Conservation Area and the site. As such, I consider that there would be no adverse impact on the setting of the Conservation Area.
22. The Council considers that the adjacent Methodist Chapel and the parkland associated with Kemble House should be regarded as non-designated heritage assets. Paragraph 129 of the NPPF requires that the significance of a heritage asset should be identified and assessed and taken into account when considering the impact of a proposal. Paragraph 135 of the NPPF requires a balanced judgement to be taken having regard to the scale of any harm or loss and the significance of the asset.
23. The Methodist Chapel has been considered for listing by Historic England (HE) but this has recently been rejected, due to the degree of external change to the building. However, HE acknowledges the chapel's local importance for its place in the history of non-conformist worship and its positioning on the edge of the village, illustrating the tensions between various congregations at that time. Its significance is also derived from its age, prefabricated iron-clad construction, being small in scale and its modest, simple lines.
24. The proposal would not result in the loss of the asset, but the impact on its setting needs to be assessed. The significance of the chapel in part derives from its location on the edge of the village. It would still be towards the edge of the village and the proposed dwelling would be set back from the road, ensuring views of the chapel on the entry to the village from Washpool Lane. However, the space near the road would be occupied by a car parking and turning area, which would be landscaped, providing some mitigation. The current setting is partially within the context of the existing residential development when viewed from the approach to the village and parking would have been associated with its former use as a chapel. Therefore, the proposal would not harm the significance of the building and, although there would be changes to its setting, it would not be harmed. Since I have concluded that there would be no harm to the setting of the heritage asset, a balance under paragraph 135 of the NPPF is not required.
25. The area opposite the site forms part of an area of parkland associated with Kemble House. This is shown as parkland on the Ordnance Survey map but is not part of any designated historic park or garden. Nevertheless, it displays the character of parkland and retains a number of specimen trees. Its significance derives from its parkland character and its setting in terms of the Conservation Area and the listed building at Kemble House. The Council has stated that it should be treated as a non-designated heritage asset.
26. The parkland lies on the opposite side of the road to the site and forms a large, open area, with specimen trees, sloping upwards to Kemble House and its associated group of trees. The trees at Park Covert limit its extent on the frontage to Washpool Lane. There is some public access to the parkland via a permissive footpath. In views from Washpool Lane, Kemble House can be glimpsed in the background to the park and the spire of the church, which is also listed, can be seen on the horizon. The Conservation Area study by Montagu Evans proposes that the parkland is included in a revised

Conservation Area boundary to protect the setting of the village and its heritage assets as well as protecting the parkland in its own right.

27. However, on the opposite side of the road on Washpool Lane, there is a mix of modern and older development and the proposal would extend this development by only a small degree. In addition, it would be set back from the lane, limiting its impact. There would be parking in this area but there is also parking associated with other housing on this side of the road and this forms part of the context for the parkland. As such, I consider that although the setting to the parkland would be changed it would not be harmed by the proposal. Since I have concluded that there would be no harm to the setting of the heritage asset, a balance under paragraph 135 of the NPPF is not required.

Planning balance and conclusions

28. In this case, Policy 19 of the LP is relevant since the proposed development would be outside a development boundary but the policy is out-of-date and policy DS3 of the eLP also has little weight. There are no policies that indicate that development should be restricted in accordance with footnote 9 of the NPPF, since policy 8 is permissive in terms of development, as set out in appeal decision APP/F1610/A/12/2173097. Therefore, it is necessary to consider whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, assessed against the NPPF as a whole, as set out in paragraph 14 of that document.
29. Paragraph 7 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental. In terms of economic considerations, the proposal would provide employment of a temporary nature during the construction of the dwelling, which has little weight. In terms of social considerations, the development would boost the supply of housing, but only by one dwelling. However, the proposal would be an open market dwelling, not one which is claimed to be affordable or meet other social needs in the village and therefore this matter has very little weight, since it could be located elsewhere.
30. Nevertheless, Kemble is an accessible location, having a railway station and other services and facilities. This is recognised in policy DS3 of the eLP which designates it as a principal settlement in which modest development will be allowed, although this has little weight. In terms of the environmental dimension, I have already concluded that the proposal would be harmful to the character and appearance of the Kemble/ Ewen SLA, to which I give significant weight, and that the detailed design of the proposal would not be appropriate to its setting, which also has significant weight. All other matters, including historic heritage, are neutral in the balance.
31. Whilst recognising that Kemble is an accessible location and there would be some limited benefits in terms of the economic and social dimensions, this has little weight without an adopted development plan policy to support it. Furthermore, in terms of the environmental dimension, I have identified that there would be significant harm to the landscape and from the adverse effects of the detailed design in respect of this specific proposal. As such, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits and the proposed development would not constitute sustainable development.

32. In terms of the development plan, policies 8 and 42 of the LP have full weight and I have already concluded that the proposal would be contrary to them. None of the other considerations put forward, including the policies of the NPPF, indicate that the proposal would be sustainable development and that it should be granted planning permission.
33. Therefore I conclude that, for the reasons given above, and having regard to all other matters raised that the appeal should be dismissed.

E A Hill

INSPECTOR