
Appeal Decision

Site visit made on 20 March 2017

by Gareth W Thomas BSc(Hons) MSc(Dist) PGDip MRTPI

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

Decision date: 23rd March 2017

Appeal Ref: APP/C1625/W/3164997

Frocester Lodge, Bath Road, Frocester GL10 3TG

- 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 Mr & Mrs Verey against the decision of Stroud District Council.
 - The application Ref S.16/0814/FUL, dated 11 April 2016, was refused by notice dated 9 June 2016.
 - The development proposed is for new workshops, dwelling and associated landscaping.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The description in the application is different to that in the Council's decision notice. Given the nature of what is proposed, the Council's description is preferred and I have considered the appeal on the basis of a proposal for a new dwelling, ancillary workshops and associated landscaping.

Main Issue

3. The appellants present their appeal with an emphasis on the erection of a workshop that will require the provision of a separate associated dwelling; however, the Council asserts that the proposal is primarily for a dwelling with ancillary workshop. Either way, there is agreement between the parties that the site is located outside any of the settlements identified by the Council as suitable for housing development.
4. Accordingly, the main issue is whether the proposed development would represent sustainable development in the context of local and national planning policies.

Reasons

5. The appeal site lies outside any identified settlement development limit where housing development would normally be permitted and whilst situated within the hamlet of Frocester, the Council would treat this site as falling in the countryside. The site comprises a paddock area and tennis courts to the north of Frocester Lodge, a Grade II Listed Building.
 6. The proposal would see the erection of essentially two buildings articulated in a series of gables when viewed from the main road. The dwelling would comprise both two storey and single storey elements constructed largely of
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traditional materials of brick, timber and shingles. The proposed workshop would consist of two single storey gables faced in materials to match the proposed dwelling. The common design theme between the structures is a steep roof pitch with narrow gables. Given the separation distances and intervening building, the Council raise no objection to the design and for the purposes of my statutory duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, I would agree with the Council's findings and do not consider that the development as proposed would have a significantly harmful effect on the setting of the listed building to the south.

7. At the heart of the national policy, as stated in paragraph 14 of the National Planning Policy Framework (the Framework) is a presumption in favour of sustainable development. Notwithstanding that presumption, paragraph 2 of the Framework reiterates the statutory framework that applications for planning must be determined in accordance with the development plan unless material considerations indicate otherwise.
8. The development plan covering the appeal site includes the recently adopted Stroud District Local Plan (SDLP). The parties agree that the Council is able to demonstrate a five year's supply of deliverable housing land; accordingly paragraph 49 of the Framework is not engaged. Core Policy CP2 of the SDLP identifies a series of strategic growth and development locations where it expects the bulk of housing and employment related development will take place. Outside strategic locations, Policy CP3 establishes a settlement hierarchy that ranks settlements according to their capacity to accommodate growth. Outside the settlement hierarchy, including hamlets such as Frocester, developments will be restricted to that which contributes to diverse and sustainable farming enterprises, recreation, tourism and essential community facilities, in accordance with Policy CP15. This approach is consistent with paragraph 55 of the Framework.
9. It is acknowledged that there do not appear to be any plans afoot for a Neighbourhood Plan covering Frocester. However, as an up-to-date development plan that has been subject to recent examination, it would be disingenuous to undermine what seems to me to have been a proper plan-led approach to development. Neither is there any substance in the argument presented by the appellants that Frocester should be considered in similar light as Leonard Stanley and Eastington, two settlements that are identified as having opportunities for limited development. From what I saw, these settlements have a modest range of facilities and services that properly elevate them above Frocester in terms of their wider sustainability credentials.
10. There is also broad agreement between the parties that the proposal would not fall within the exceptions identified in Policy CP15 of the SDLP. Thus the question as to whether the proposal can properly be described as a "live-work" scheme is immaterial given that the proposal that encompasses both residential development and business use elements within a countryside setting would still need to comply with Policy CP15. Whilst I have no doubt that the appellants' pottery business is flourishing, there is no reason why this business cannot take place within an established settlement location where opportunities for modest growth are available. There is insufficient justification in my view as to why this business has to be located at this particular site; indeed given the size of the workshop proposed, this business could as easily be located at the appellants' present home.

11. I would agree with the Council for the reasons given that the proposal would not constitute a windfall development opportunity.
12. I am aware that the appellants are supported locally in their endeavours to remain living and taking an active part within their community. However, these matters would not comprise the special circumstances necessary to justify either a residential or business related development in the manner detailed in Core Policy CP15. It would therefore fail to comply with the Council's efforts to secure sustainable development in terms of Policy CP1, and a sustainable settlement hierarchy advocated by Policies CP2 and CP3.

Conclusion

13. For the above reason and having regard to all other matters raised, I conclude that this appeal should not succeed.

Gareth W Thomas

INSPECTOR