The Planning Inspectorate

# Appeal Decision

Site visit made on 20 December 2016

**by J E Tempest BA(Hons) MA PGDip PGCertHE MRTPI IHBC**

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

**Decision date: 07 April 2017**

**Appeal Ref: APP/C1625/W/16/3159572**
**Land at Horsley Court, Narrowcut Lane, Horsley,Gloucestershire GL6 0PW**

- 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 Matthew Hudson against the decision of Stroud District Council.
- The application Ref S.16/0940/FUL, dated 11 April 2016, was refused by notice dated 22 June 2016.
- The development proposed is two 4-bed new-build dwellings on land adjacent to Horsley Court.

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The Council has confirmed that following additional information submitted with the appeal documentation, it no longer intends to pursue objections to the development relating to protected species which formed the basis of the Council's third reason for refusing the application. From the evidence provided I find no reason to take a contrary view.

3. There is reference in the evidence to a Neighbourhood Plan being prepared for Horsley. However, there is nothing to indicate it has been submitted to the Council and has therefore not reached a stage where it would carry weight in my decision.

## Main Issues

4. Taking the above into account, the main issues in this appeal are:

    - Whether the proposal represents a suitable location for housing having regard to national and local policies and the principles of sustainable development;

    - The effect of the proposal on the character and appearance of the area; and

    - Whether the proposal would preserve the setting of listed buildings at Horsley Court.

## Reasons

*National and Local Policies*

5. The Stroud District Local Plan (LP) was adopted in November 2015. Policy CP1 of the LP states that when considering development proposals a positive approach will be taken reflecting the presumption in favour of sustainable development in the National Planning Policy Framework (Framework). Policy CP1 also reflects the Framework with regard to approving development which accords with the development plan. Policy CP2 of the LP states that housing development will take place in accordance with the settlement hierarchy set out in the plan and within settlement development limits; limited development will take place outside areas designated for development where it is in accordance with other policies in the LP.

6. LP Policy CP3 sets out a settlement hierarchy based on, amongst other matters, settlement size and their range of facilities and services. Horsley is identified as one of a number of third tier settlements in Policy CP3, that is an accessible settlement with limited facilities. The majority of the appeal site, other than the access and the south east corner of the site, lies outside the defined settlement boundary. The supporting text to LP policy CP3[1] states that all the settlements within the hierarchy have defined settlement boundaries or development limits, within which suitable development may be permitted. Taking this suite of policies together, I therefore find that the development of the appeal site for housing would not comply with Policies CP2 or CP3 of the LP unless permitted by other policies of the LP.

7. Outside the settlement boundary of Horsley, development proposals are to be assessed against LP Policy CP15. This seeks to protect the separate identity of settlements and the quality of the countryside including its built and natural heritage. Whilst the appellant points out that the appeal site is not countryside but the grounds of Horsley Court, this does not remove or diminish to any significant extent the relevance of Policy CP15. Development outside identified settlement development limits is restricted by Policy CP15 except in certain specified circumstances, none of which are stated to apply in this case. Accordingly, the proposal would not comply with LP Policy CP15.

8. The Council advise that they can demonstrate a housing land supply in excess of five years and provide evidence to support this. This is not disputed by the appellant. On this basis, and given the relatively recent date of the adoption of the LP I am satisfied that the policies within the LP related to the supply of housing and other policies relevant to the appeal proposal are consistent with the National Planning Policy Framework (Framework), up to date and carry full weight. Accordingly, the provisions of Paragraph 14 of the Framework are not applicable to this proposal.

9. The appellant cites an appeal decision in Kingswood[2], also identified as a third tier settlement in the LP, where up to 51 houses including 30% affordable housing units have been allowed outside the settlement limits. Whilst I do not have all of the evidence which was before the Inspector who made this decision, it cannot be the case that site specific considerations relating to the character and appearance of the area or to the setting of a listed building are directly comparable. Furthermore, despite both being third tier settlements, the evidence indicates that

[1] Paragraph 2.76 of Stroud District Local Plan
[2] APP/C1625/W/15/3011370

Kingswood and Horsley are significantly different in terms of size and in the level of facilities and services each provides. Horsley, unlike Kingswood, lies within an Area of Outstanding Natural Beauty. The decision at Kingswood therefore does not create a precedent for the appeal which is before me. The Council point out that later appeal decisions have reached different conclusions from the one at Kingswood, including one relating to a site at Cam[3], a first tier settlement.

*Character and Appearance*

10. The core of the village comprises buildings which line the village streets. Buildings which depart from this linear development pattern are relatively rare. Consequently the boundary of the settlement limits for Horsley is drawn for the most part at around one building's depth from the roads. This applies in the immediate vicinity of the appeal site alongside The Street, Horsley Hill and the southern end of Narrowcut Lane.

11. Whilst some of the existing buildings are close to one another, there are sufficient gaps to show the proximity of countryside or undeveloped land immediately behind the village streets. This is the case to the south of the appeal site where there are gaps between Belmont and the old coach station, and more particularly between Rose Villa and Greystones. To the east of the appeal site, near the corner of Narrowcut Lane and Horsley Hill, trees and open land together with rising open land to the west of the appeal site, are visible across the garden of Greystones.

12. The proposals would remove a significant number of trees from the site. Whilst these may not individually be worthy of retention, the group nonetheless contributes to the distinction between the houses lining The Street and the open land associated with Horsley Court beyond. The loss of trees and the introduction of the proposed dwellings would be evident in some views from the village streets. More importantly, the introduction of the dwellings behind existing houses would result in a pattern of development which would be at odds with the predominant pattern in the village.

13. The dwellings proposed would be of contemporary design and appearance. I acknowledge that architectural styles within the village are varied. Whilst the proposed palette of materials would not be out of place, the scale of the buildings combined with their disposition on the site, particularly in relation to Belmont and Rose Villa, would make them appear out of place.

14. The development would thus harm the character and appearance of the area and so conflict with LP Policy CP 14 which supports development which protects, conserves and enhances the built and natural environment.

15. The site lies within the Cotswolds AONB. The statutory purpose of including land within the AONB is to conserve and enhance its natural beauty. Paragraph 115 of the Framework states that great weight should be given to conserving landscape and scenic beauty in AONBs which have the highest status of protection in relation to landscape and scenic beauty. The effect of the proposal on the AONB is not cited as a reason for refusal. Nonetheless, the site's location within the AONB reinforces the role of the settlement boundary in defining the settlement and so protecting the surrounding countryside.

[3] APP/C/1625/W/15/3139586

*The setting of listed buildings*

16. The appeal site forms part of the grounds of Horsley Court. As well as the main house, associated buildings including the dovecote and coach house are also listed, grade II. The appeal site lies at the southern boundary of the house grounds and adjacent to the rear of properties on The Street. The site is separated from the main house of Horsley Court by more formally laid out gardens and by a beech hedge, as well as the dovecote and garaging.

17. The significance of a heritage asset is its value to this and future generations because of its heritage interest. Significance derives not only from the physical presence of a heritage asset but also from its setting[4]. The setting of a heritage asset is defined in the Framework as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset.

18. Whilst the appeal site is not part of any designed formal gardens associated with Horsley Court, it is part of its remaining grounds or estate. The appellant's heritage statement (HS) sets out, amongst other matters, changes which have occurred to the estate including the reduction in its size and the sale of properties including what are now Greystones and Horsley Court Cottage. The appeal site forms part of the setting of Horsley Court and, given the relationship between Horsley Court and the associated listed buildings of the Dovecote and coachhouse, can also be considered to form part of the setting of the group as a whole. Historic map evidence shows that for a period of time starting around the 1970s there were poultry sheds on and adjacent to the appeal site. These sheds were no longer present by 1999 and it is not suggested that any part of them remains. It also appears that the appeal site was free from buildings prior to the poultry sheds being erected and as such the sheds do not create a precedent for the development now proposed.

19. Paragraph 132 of the Framework sets out that great weight is to be given to the conservation of designated heritage assets and that significance can be harmed by development within their setting. As heritage assets are irreplaceable, any harm requires clear and convincing justification. In this case, the proposal would introduce two substantial buildings into the setting of the listed buildings. The proposed dwellings and their associated private gardens, access and parking arrangements would reduce the open grounds remaining around the principal house.

20. The buildings would be some distance from the main house and the HS points to direct inter-visibility being limited. However, setting is not confined to intervisibility. The HS draws a distinction between the character of land to the north and west of Horsley Court with that of the land to the south including the appeal site. It is clear that the formal gardens, as presently laid out, exclude the appeal site. However such arrangements, as the evidence shows, may change over time. The development as a whole, including the proposed buildings, their private gardens and associated parking areas, would result in harm to the setting of Horsley Court and to the Dovecote. It would therefore fail to preserve that setting.

[4] National Planning Policy Framework, Annex 2

21. The screening provided by planting undertaken in recent years between the appeal site and Horsley Court would not obviate all harm to the setting of the listed building. The proposal would conflict with LP Policy ES10 which requires, amongst other matters, that the setting of designated heritage assets be conserved and where appropriate enhanced.

22. In the context of paragraphs 133 and 134 of the Framework, the proposal would lead to less than substantial harm to the significance of the listed buildings. However, whilst there would be public benefits from the provision of the two dwellings in an accessible location, the addition to the housing supply overall would be modest and the Council is able to demonstrate that an adequate supply of land for housing is available. I find that the public benefits are not sufficient to outweigh the harm to heritage assets.

*Other matters*

23. The proposal has attracted considerable response from local residents both in terms of objections and also letters of support. However, none of the matters raised alter my conclusions with regard to the main issues.

24. In addition to the appeal decisions cited above, I am also referred to other appeals in the District. However, I do not have the detailed evidence which was before other Inspectors in these cases and these decisions have accordingly had a limited bearing upon my decision. In any event I have determined this appeal on its own merits.

**Conclusions**

25. Section 38(6) of the Planning and Compensation Act 2006 sets out that development proposals should be determined in accordance with the development unless material considerations indicate otherwise. This is reflected in Paragraph 12 of the Framework and the first of the core planning principles in the Framework is that planning should be genuinely plan led. The proposal lies outside the settlement boundary and as such conflicts with Policy CP2 and does not meet the exceptions set out in CP15.

26. The Framework sets out that there should be a presumption in favour of sustainable development and that applications for housing should be considered in that context. Economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The proposal would provide two dwellings, adding to the supply of housing. The facilities and services which Horsley provides are within walking distance of the appeal site and so accessible from it. Future occupiers of the proposed development would therefore be in a position to support those services and facilities and there would be economic benefits arising from the construction process. However, the proposal would not satisfy the environmental role embodied within sustainable development.

27. The proposal would conflict with the development plan when considered as a whole and I find that there are no material considerations which are sufficient to outweigh this conflict. Accordingly, for the reasons set out above and having taken into account all matters raised, I conclude that the appeal should be dismissed.

*J E Tempest*

INSPECTOR